



UUM JOURNAL OF LEGAL STUDIES

<https://e-journal.uum.edu.my/index.php/uumjls>

How to cite this article:

Siti Hajar Abu Bakar, Siti Balqis Mohd Azam, Jal Zabdi Mohd Yusoff, & Syarifah Maisarah Syed Alwi. (2025). Alternative approaches in handling child offenders: A case study of community-based diversion programmes in Malaysia. *UUM Journal of Legal Studies*, 16(2), 162-193. <https://doi.org/10.32890/uumjls2025.16.2.10>

ALTERNATIVE APPROACHES IN HANDLING CHILD OFFENDERS: A CASE STUDY OF COMMUNITY-BASED DIVERSION PROGRAMMES IN MALAYSIA

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Received: 8/9/2023

Revised: 9/7/2024

Accepted: 10/6/2025

Published: 31/7/2025

ABSTRACT

Diversion is the best approach to rehabilitate child offenders; however, children arrested for criminal offences in Malaysia must adhere to the procedures in the Child Act 2001. Although no specific diversion programme exists for child offenders in Malaysia, the Malaysian government is working on a project that is a community-based initiative with some elements of diversion practice to manage children in conflict with the law. The study examines the pilot community-based rehabilitation practices to fulfil the initiative as a formal diversion programme for child offenders in Malaysia. The study is crucial to convince child welfare agencies that the pilot community-based initiatives could be developed as a comprehensive diversion module for managing child offenders in Malaysia. This study employed in-depth interview techniques to gather qualitative data. The sample included nine child offenders, eight practitioners, and three parents/caregivers. Manual coding was utilised to facilitate the organisation, analysis, and interpretation of the data efficiently. The findings revealed that Malaysia's juvenile justice system has actively engaged community agents—aligning with UNICEF's recommendations—through family engagement, community mobilisation, and supervision efforts. Nevertheless, the study identified a pressing need to further strengthen the role of these community agents, particularly in preparing for the implementation of formal diversion programmes. In light of these findings, the researcher proposed

the development of a comprehensive diversion module to guide the management of child offenders, which could serve as a framework for establishing a formal diversion system within Malaysia's juvenile justice context.

Keywords: Diversion, community-based programme, child offenders, bond of good behaviour, criminal justice system.

INTRODUCTION

The 'justice for children' framework was recently developed through several crucial international initiatives specifically for managing children involved in criminal activities. One initiative is diversion (UNICEF East Asia and the Pacific Regional Office, 2017; The United Nations Children's Fund (UNICEF), 2010), which is an action requiring these children to undergo certain procedures after being found responsible for an offence without resorting to formal court proceedings. Hence, the children will follow a different way of resolving the issue through non-judicial bodies (i.e., community members, education institutions, and health institutions). This prevents the negative repercussions of formal court proceedings and a criminal record, provided that human rights and legal safeguards are completely respected (UNICEF East Asia and the Pacific Regional Office, 2017). Thomas et al. (2016) identified seven principles of diversion programme effectiveness, including implementing a programme based on risk level assessment, evidence-based frameworks, and protocols that emphasise efforts to address multiple needs, providing interventions based on the need, family involvement or engagement, highly qualified and well-trained staff, and incorporating ongoing evaluation.

The state of Victoria in Australia has implemented several positive steps within its legislation that prioritise diversion despite the introduction of the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017. Victoria has gained significant success in implementing community-based orders as an alternative to detention for young people (10 to 17 years old). Various programmes have been introduced such as the State-Wide Court Diversion Programme, Dual Track Sentencing, Police Cautioning, Drug Diversion Programme, ROPES programme, Right Step, Youth Justice Group Conferencing, Youth Justice Bail Supervision Programme, Youth Attendance Order, Youth Supervision Order, Probation Order, Good Behaviour Bond, Youth Control Order, Fines, and Police Accountability Project (Dean, 2018). Several research studies funded by the Victoria State Government have demonstrated that these diversion programmes produced positive outcomes, including significantly reduced recidivism, completion of the programme, and positive impacts on engaging children with education (Dean, 2018).

Diversion occurs in two ways in England and Wales. The first is a formal diversion where the children admit an offence in the Youth Court formal proceedings. Specifically, the children must first admit to the commission of an offence to be eligible for diversion (Cushing, 2014). The second approach is an informal diversion when the police officers divert the children from the Youth Court formal proceedings (Taylor, 2016). For instance, every area in Wales operates a diversion programme to divert low-level offenders away from the formal system as quickly as possible. Close cooperation between the police and youth offending services implies joint decision-making concerning which children can be managed informally and which would need to proceed to court. Extensive recent studies have reported that children who were referred to diversion programmes exhibited lower recidivism or reoffending rates, improved children's life outcomes, preserved and protected public safety, and lowered court processing

costs (Massachusetts Juvenile Justice Policy and Data (JJPAD), 2019; Tyrrell et al., 2017; Puzzanchera et al., 2022).

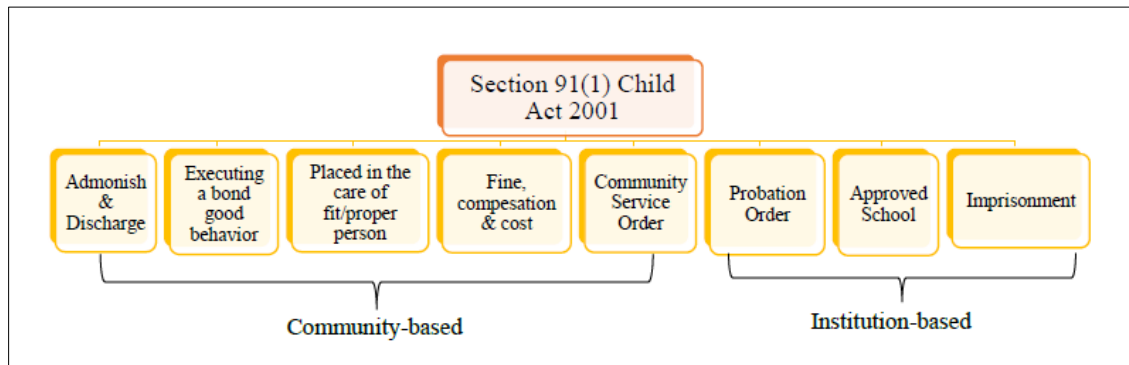
In the local context, although the Malaysian government has ratified the Convention on the Rights of the Child (CRC), the state does not formally implement diversion practice per the Convention, specifically in managing child offenders or children beyond control (Aminuddin, 2016; Nong & Yusoff, 2018; UNICEF East Asia and the Pacific Regional Office, 2017). For instance, the police exercised discretion in managing minors in conflict with the law (Ministry of Women, Family, and Community Development & UNICEF, 2013). In common offences such as traffic violations, shoplifting, or fighting among minors, the police would mediate an amicable resolution between the parties instead of formally charging the child. The practice is reportedly uncommon and is not actively encouraged; furthermore, no records of these types of resolutions are kept. Generally, police are wary of exercising the discretion to charge as the action would expose them to complaints from dissatisfied victims or the general public (Andrew, 2018; Ministry of Women, Family and Community Development & UNICEF, 2013). The practice is known as ‘unconditional diversion,’ usually in a police warning (UNICEF East Asia and the Pacific Regional Office, 2017). In most cases, the police will conduct a complete investigation and submit the investigation papers to the Deputy Public Prosecutor (DPP) to identify the charges (Ministry of Women, Family and Community Development & UNICEF, 2013).

Children who are arrested for committing criminal offences will be dealt with according to the procedures in the Child Act 2001. For children who are found guilty, section 91(1) of the Child Act 2001 provides eight types of orders that can be made against them, as listed below:

- (a) admonish and discharge the child;
- (b) discharge the child upon his executing a bond to be of good behaviour and to comply with such conditions as may be imposed by the Court;
- (c) order the child to be placed in the care of a relative or other fit and proper person—
 - (i) for such period to be specified by the Court; and
 - (ii) with such conditions as may be imposed by the Court;
- (d) order the child to pay a fine, compensation, or costs;
- (da) make a community service order;
- (e) make a probation order under section 98;
- (f) order the child to be sent to an approved school or a Henry Gurney School;
- (g) (Deleted by Act A1511);
- (h) impose on the child, if he is aged fourteen years and above and the offence is punishable with imprisonment and subject to subsection 96(2), any term of imprisonment which could be awarded by a Sessions Court.

Figure 1

Court for Children Order



Based on section 91(1) of the Child Act 2001, the orders can be classified into two main categories (Figure 1). First, “community-based rehabilitation orders”. It includes discharging the child, executing a bond of good behaviour and complying with such conditions imposed by the Court for Children, placing the child in the care of a relative or another fit and proper person, paying a fine, compensation or costs, and a community service order (CSO). Although the Child Act 2001 does not specifically state that children must enter the community to undergo rehabilitation, the Malaysian Juvenile Justice System’s Report 2013 indicates that a community-based order includes a bond of good behaviour and a probation order. (Ministry of Women, Family and Community Development & UNICEF, 2013), a practice which is similar to Australia. Section 360(1)(d) of the Children, Young People and Families Act (2005) (Vic) provides:

If the Court finds a child guilty of an offence, whether indictable or summary, the Court may— without conviction, place the child on a good behaviour bond under section 367.

The provision above explains that children found guilty of committing crimes can be ordered to execute a good behaviour bond. It is a non-custodial sentence where the offender is required to demonstrate “good behaviour” in their respective communities within a certain period and comply with the conditions set by the Children’s Court. It includes supervision by a psychologist, attending drug and alcohol rehabilitation counselling programmes, road trauma awareness courses, and conference groups (Sentencing Advisory Council, 2012). One of the foremost purposes of executing a bond for good behaviour is to give the offender an opportunity to rehabilitate by allowing their sentence to be served in the community (Australian Institute of Health and Welfare, 2020). In the Malaysian context, when a child is placed under a bond of good behaviour, the Court for Children may impose specific conditions that the offender is required to adhere to throughout the duration of the bond. These include attending Interactive Workshops (e.g., individual/family assessment, counselling, psychoeducation, and Family Retreat), reporting to the Social Welfare Department, reporting to the police, and rehabilitation programmes at the Malaysian Anti-Drug Agency (such as individual counselling activities, Matrix Module (i.e., drug education, urine screening tests, relapse treatment) (National Anti-Drugs Agency, 2011).

In addition to section 91(1), section 93(1) of the Child Act 2001 provides:

- (1) The Court for Children shall, in addition to exercising any of the powers provided for in subsection 91(1), order the parent or guardian of the child to execute a bond for the child's good behaviour with or without security and with one or more of the following conditions:
 - a) that the parent or guardian accompanied by the child shall report at regular intervals to be determined by the Court, at the welfare department or police station situated nearest to the parent's or guardian's place of residence;
 - b) that the parent or guardian accompanied by the child shall attend interactive workshops organised at designated centres established for such purpose;
 - c) if the child is in an educational institution, that the parent or guardian shall consult with the child's teacher and head teacher or principal once a month for the duration of the bond;
 - d) if the child is sent to an approved school or a Henry Gurney School, that the parent or guardian shall visit the child on a regular basis to be determined by the Court; or
 - e) any other condition as the Court thinks fit.

Justice Lau Bee Lan in the case *Public Prosecutor v Velory Libong* [2005] 4 CLJ 797 has explained:

Another example would be, if a Magistrate is to make an order under s.91(l)(b) of the Act by discharging the child upon his execution of good behaviour subject to conditions imposed by the Court, the Magistrate can in addition, under s.93(l) of the Act, stipulate the conditions contained therein. This additional exercise of power is expressly provided in s.93(l) of the Act which states "The Court for Children shall, in addition to exercising any of the powers provided for in subsection 91(1), order the parent or guardian of the child to execute a bond for the child's good behaviour -with or without security and - with one or more of the following conditions: [(a) to (e)]." (Emphasis added).

For example, in the case of *E v Public Prosecutor* [2010] MLJU 1992, the court ordered the parents/guardians of the children to also participate in the Interactive Workshop programme that was imposed on their children. The implementation of the Interactive Workshop programme under section 93(1) of the Child Act 2001 requires parents or guardians to complete the bond while their children carry out the rehabilitation order. The objective of the bond is to ensure that the parents/guardians "do not take for granted" their duties and responsibilities during the 'rehabilitation' order (Jal Zabdi & Zulazhar, 2005).

The second is "institution-based rehabilitation" orders. Though the Child Act 2001 does not provide for such classification, it generally refers to orders requiring a child to be sent to an institution as provided in the Act. It includes placing the children in a Probation Hostel (section 91(1)(e), Approved School or Henry Gurney School (section 91(1)(f)), and prisons (section 91(1)(h)). For example, in the case of *Muhammad Afiq bin Rosnizam v Public Prosecutor* [2015] CLJU 852, the High Court upheld the order issued by Judicial Commissioner Collin Lawrence Sequerah (as he then was), directing that the child

be detained at the Henry Gurney School, Malacca, until the age of 21, in accordance with Section 91(1)(f) of the Child Act 2001. According to Judicial Commissioner Sequerah:

- [7] The child offender is also a repeat offender and the very nature of the relapse points towards all indications that not only his parents are incapable of exercising any proper control over him but also that the child offender has a tendency to relapse whilst being habitually in the company of persons of bad character.
- [8] So, it is necessary to remove him from an environment which will result in his eventual destruction caused by falling into the same crime again.
- [9] Drugs have also been declared to be the number one menace to the country and it continues to be so to this day.

The same sentiment can be seen in the case of *Seorang Kanak-Kanak 'H' v Pendakwaraya* [2016]5 LNS 30. In this case, the child was charged in the Court for Children for an offence under section 12(2) of the Dangerous Drugs Act 1952. The charge was read out and explained to the child. He understood the charge and pleaded guilty. The Court for Children ordered the child to be sent to the Henry Gurney School (HGS) for three years to undergo rehabilitation. The Court for Children explained that the placement of children in HGS is an effort to eliminate, curb, and control the spread of drug abuse activities, especially among children. Based on the facts of this case, the child in question had influenced his peers to abuse drugs, as well as having the intention/tendency to influence or damage other peers. Therefore, to eliminate, contain, and control the spread of drug abuse activities, the Court for Children sees the importance of children being removed from the community to undergo a rehabilitation process.

The current statistics also report that most child offenders who are in the community are to undergo rehabilitation, namely the Bond of Good Behaviour (Department of Social Welfare Malaysia, 2023). This shows that the Malaysian juvenile court system believes that rehabilitating child offenders in the community is the best option for them as opposed to placing them in an institution, depending on the offence committed, the probation report, the recommendation of the probation officer, and advice from the Adviser for the Court for Children. Recently, the Malaysian juvenile justice system enhanced the practice of child rehabilitation to show efforts to implement diversion for children in conflict with the law. One pilot project to implement diversion was carried out by the Ministry of Women, Family, and Community Development, Malaysia (MWFCDD) in collaboration with related agencies such as UNICEF and Universiti Malaya (Department of Social Welfare Malaysia, 2024). The implementation of this project aims to see the suitability of diversion and rehabilitation interventions for children in the community. Additionally, MWFCDD conducted research with researchers from Universiti Teknologi Malaysia (UTM) to apply Geographic Information System (GIS) technology in the mapping of child offender crimes. The combination of GIS technology and social aspects can be seen to help produce recommendations for practical interventions of diversion and restorative justice according to the area, type of crime, and age group of child offenders (Kementerian Pembangunan Wanita, Keluarga dan Masyarakat & Institut Sosial Malaysia, 2016).

Based on the Ministry of Women, Family, and Community and UNICEF (2013) collaborative research, the study proposes that the Malaysian juvenile justice system introduces diversion as an alternative to the formal process for children who commit non-violent offences. The introduction of diversion would not require the development of new administrative structures or programmes, as the system could be introduced by utilising the existing community service programmes, such as interactive workshops,

counselling services, and community supervision by the National Anti-Drugs Agency officers or police officer (Ministry of Women, Family and Community Development & UNICEF, 2013). Due to UNICEF's recommendation, starting in 2019, Malaysia has demonstrated favour towards the diversion practice to rehabilitate child offenders of minor or non-serious offences. The children will not be detained or documented with any criminal record but will undergo counselling sessions, community service, compensation payments, and repairing the harm caused. The transition to the diversion practice is more appropriate and suitable for children, considering the risk of adverse psychological impacts of the existing legal process on the children (Mohd Lazim, 2019).

Thus, a qualitative study was undertaken to explore the implementation of a community-based diversion programme for minors involved in non-violent offences in Malaysia, focusing on the Bond of Good Behaviour *via* Section 91(1)(b) of the Child Act 2001. The study investigated whether the programme fulfilled the elements of diversion proposed by UNICEF, which is crucial to delivering practical rehabilitation activities for the children to fully rehabilitate them.

LITERATURE REVIEW

What is Diversion?

Diversion is a procedure that entails children being referred away or channelled out from formal juvenile justice processing, prosecution, or sanctions (Development Services Group, 2017; UNICEF East Asia and the Pacific Regional Office, 2017). The procedure involves first-time offenders, status offenders, or nonviolent or minor offences. The main objective of the diversion is to spare the children from the adverse outcomes of formal juvenile justice system contact. Consequently, the children can be matched appropriately to services provided by the community agents, thus preserving more intensive and costly out-of-home services for the children who need them and those who pose a threat to public safety (Farrell et al., 2018). The circumvention also enables the children to take responsibility for their actions and restitution to victims and the community (Petrosino et al., 2013). Diversion practices are designed for various purposes, including reducing social control, incarceration effects, the stigma of having a criminal record, legal processing costs, increasing system efficiency (i.e., reducing caseloads of prosecutors, judges, and probation officers), and addressing recidivism (Development Services Group, 2017; Loeb et al., 2015; UNICEF East Asia and the Pacific Regional Office, 2017).

Diversion occurs at several contact points with the juvenile justice system, such as pre-arrest, post-arrest, and after-trial. Pre-arrest diversion may be considered 'true' diversion as it prevents the children from being formally processed by the juvenile justice system. For example, pre-arrest occurs when police officers choose not to arrest a child offender or when victims or schools decline to involve the police or the court. Meanwhile, post-arrest diversion is when a child offender is arrested, but they are prevented from further justice system processing, also known as pre-trial, pre-adjudication, or pre-disposition diversion. Finally, after-trial diversion entails children involved with juvenile justice key actors (i.e., police decisions, probation supervision, court processes, and after charges are filed), prosecutors or judges can refer the child to programmes ranging from simple surveillance to participating in community interventions (Development Services Group, 2017; Mears et al. 2016; Models for Change, 2011; UNICEF East Asia and the Pacific Regional Office, 2017).

Diversion represents a widely adopted approach in managing child offenders, particularly those involved in non-violent or minor offences—such as property-related and traffic violations—in juvenile

justice systems across several countries, including the United States of America, Northern Ireland, Australia, and Brunei Darussalam (Dean, 2018; Public Prosecution Service for Northern Ireland, 2021; Schlesinger, 2018). In Brunei, consideration for diversion is the police officer's discretion. The child offender will be discharged with a warning, bailed out, or referred to other departments, such as the Department of Community Services or the Narcotics Control Bureau, to undergo supervision or treatment and rehabilitation (Datin Paduka Hajjah Intan, 2015). Similar attributes were observed in Northern Ireland, where a police officer and prosecutor can instruct diversion (Public Prosecution Service for Northern Ireland, 2021). Children undergoing a diversion must participate in a community-based programme, such as youth restorative caution, informed warning, diversionary youth conferencing, community-based restorative justice, national driver alertness course, and immediate caution (Public Prosecution Service for Northern Ireland, 2021).

In the local context, numerous previous studies have confirmed the significance of implementing diversion programmes for children in conflict with the law. Norshamimi and Aminuddin (2022) have urged the implementation of diversion for child offenders. They conclude the need to introduce a diversion programme into the current Malaysian juvenile justice system to protect the interests and welfare of children in conflict with the law. Meanwhile, according to Ahmad Waseem Dhihny and Adi Aizat (2014), the diversion programme will offer children a better solution for dealing with offences. Ultimately, it aims to educate them to become better individuals. Punishments would not necessarily be a good answer for children with no serious offences. In addition, Nadzriah et al. (2020) raised concerns about the adverse effects of the pre-trial process on child offenders, which are particularly damaging to their mental, emotional, and physical development. Thus, their study suggests that the Malaysian juvenile justice system needs to strengthen the current laws and policies to introduce diversion programmes as an alternative to the juvenile justice system in Malaysia. As of now, the Malaysian juvenile justice system lacks direct provisions or procedures for formal diversion in handling children in conflict with the law. UNICEF has urged the Malaysian Juvenile Justice System to implement diversion for children in conflict with the law. In response to this need, UNICEF has conducted several studies (2013, 2017, 2019-present) on the implementation of the diversion programme for children in conflict with the law in Malaysia.

Why is Diversion Introduced as an Alternative to Handling Child Offenders?

Numerous past studies highlighted that diversion programmes effectively reduced recidivism among child offenders (Center for Urban and Regional Affairs, 2017; De Vries et al., 2015). The primary reason for its effectiveness is the community setting where the programmes are delivered, which collaborates with all the community agents (i.e., family, peer, school, and neighbour) and functions as the protective agent in rehabilitating the children (Dent & Pappas, 2021). Additionally, the natural setting reduces stress among the children undergoing rehabilitation. The children are actively involved in determining their future, such as pursuing or continuing their studies in their respective fields of interest (Siti Balqis et al., 2021). Past research has also reported that diversion practices, such as community-based rehabilitation, efficiently mitigate the negative impacts of institutionalised or custodial settings (mental health issues, educational and employment hindrances, depression, or suicide) and facilitate the reintegration process into community life (Development Services Group, 2014).

Most conventions on children's rights (i.e., the CRC, United Nations Standard Minimum Rules for Non-Custodial Measures, or the Tokyo Rules) and practices in several developed countries (Australia, Singapore, and the USA) believe that the diversion approach via community-based rehabilitation is the best method to safeguard child offenders' best interest (Dean, 2018; Development Services Group,

2017; Ministry of Social and Family Development, 2017). Previous research demonstrated that diversion via community-based programmes in the USA is more effective in reducing recidivism than residential or other institutionalised interventions (Development Services Group, 2017; Warner, 2014). Diversion via community-based programmes is more cost-effective than institutionalised programmes (UNICEF East Asia and the Pacific Regional Office, 2017). Furthermore, the programmes focus on strengthening and restoring social connections, fostering social bonds, building and empowering informal social controls, engaging children in their community, and targeting specific criminogenic risk factors, which were exceptionally effective in rehabilitating child offenders (Center for Urban and Regional Affairs, 2017; Gill, 2016). Meanwhile, De Vries et al. (2015) stated that rehabilitation programmes conducted in children's environments (home-based) were effective and significantly reduced recidivism.

How Does Diversion Handle Child Offenders?

Community-based rehabilitation serves as the primary diversion strategy, aiming to redirect child offenders from institutional or out-of-home placements toward alternative community-based interventions. These diversions are typically categorised into two forms: (1) programmes implemented within the juvenile justice system—such as supervision or parole, community service orders, probation, and bonds of good behaviour; and (2) direct diversion into community settings (Australian Law Reform Commission, 2019; Wilson & Hoge, 2013). Studies emphasise the three critical components of a diversion via community-based rehabilitation that effectively reforms child offenders, namely family participation, community involvement and community supervision (i.e., probation officer, volunteer probation officer, or therapist) (Jackson et al., 2019; Ming-Li et al., 2015; Ministry of Social and Family Development, 2017; Paik, 2017; Queensland Government, 2018).

A family is a child's primary caregiver. Studies confirmed that family is the most significant predictor and contributor to criminogenic risk factors for children involved in criminal activities (Boccio & Beaver, 2019; Hillege et al., 2017; Wan-Ning et al., 2017). Thus, many studies highlighting intervention have demonstrated the importance of family involvement in child offenders' rehabilitation (Dopp, 2016; Paik, 2017). Family, especially parents, is the most influential protective factor in preventing recidivism, reforming a child's behaviour, and effectively rehabilitating child offenders (Jackson et al., 2019; Sriwiyanti et al., 2021). The lack of parental figures providing love, role models, a comfortable family environment, mutual support, happiness, and life satisfaction encourages criminal involvement among children. Furthermore, low parental support for youth on probation is connected to higher delinquent violations (Loeb et al., 2015; Vidal et al., 2017).

McKay et al.'s study (2014) on parental and familial involvement in juveniles' rehabilitation process in the USA revealed the importance of active participation among the children's family members (including parents, siblings, grandmother, or other extended family members) throughout the rehabilitation process in producing an effective rehabilitation programme. Similarly, Asmawati et al. (2015) found that rehabilitation programme practices in Malaysia that include the children's families emphasise developing practical parenting skills, academic achievement encouragement, strengthening pro-social behaviour, and monitoring children effectively, reducing child offenders' behavioural issues, and enhancing academic performance. Low et al. (2018) discovered that sufficient parental supervision protects against criminal behaviour development. Parental involvement also reduces anti-social behaviour among child offenders in Malaysia. Past studies also disclosed that children's criminal behaviours could be improved by fostering positive relationships between family members and enhancing parental roles, including close nurturing, common bonds full of support, care, love, respect,

and effective communication between family members (Tak, 2012). Child offenders in Zimbabwe undergoing community rehabilitation stated that the programme helped them re-establish family bonds and emotional attachment to their families (Gomera, 2021).

Previous studies verified that community engagement effectively rehabilitates and reduces recidivism among children, thus confirming the community as one of the protective agents in rehabilitating child offenders (Queensland Government, 2018). Additionally, studies stressed the significance of fostering crucial community relationships and developing and utilising a vast network of community providers among child offenders. For instance, Farrell et al. (2018) emphasised that meaningful community engagement provides multiple services based on children's needs and assists in building cross-agency solid partnerships (between schools and police, parents, and religious institutions) during rehabilitation. Furthermore, Gomera (2021) underlined the value of community support and encouragement to seek solutions, thus fostering self-reliance that addresses and removes the stigma on criminal behavioural issues among children.

Community engagement is an ongoing relationship entailing a planning process with a specific purpose where identified groups of people from various agencies work or collaborate to achieve a mutual goal of addressing issues affecting their community's well-being (Clark & Mathur, 2014). Miller et al. (2021) discovered that neighbours played a pivotal support role in minimising the recidivism of child offenders. Meanwhile, Novakovic et al. (2021) demonstrated that participation among professional or various stakeholders (i.e., police, prison administrations, probation agencies, other governmental entities, and community-based organisations) within the community promotes effective child offender rehabilitation through mitigation of risk factors within the child's family (i.e., enhancing parental skills, repairing familial relationships), therefore creating a social support system for the child and the family (UNODC, 2018).

Additionally, in Singapore, the Ministry of Social and Family Development (2017) reported that physical activity involving peers positively affects children's rehabilitation as the approach raises self-confidence and improves their lifestyle and behaviours. Walker et al. (2013) discussed the vital role of peers and parents in the juvenile justice system, which effectively enhances parents' self-efficacy. Peer support might be linked to improved parents' belief in their capacity and capability to work with a peer to decrease stigma and enhance community members' perceived level of social support.

Community members' active participation in rehabilitating children is considered a commendation to the justice system. Social legislation frameworks on children's wellbeing, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), and CRC, emphasised and directed community agents towards facilitating child offenders in the community. For instance, the Riyadh Guidelines state that implementing a programme or service within the community (guidance or counselling services) provides children and families with a source of strength. According to the Riyadh Guidelines, community members are encouraged to contribute existing resources towards the implementation of various rehabilitation programmes, such as community development centres and recreational facilities and services, to address issues related to juvenile delinquency (United Nations, 1990). The Riyadh Guidelines also propose providing services or programmes, such as drug addiction rehabilitation and care, counselling, supportive assistance, and implementation of therapy-oriented interventions for child offenders.

Meanwhile, referring to the conference of the Convention on the Rights of the Child in Geneva, 15 January-2 February 2007, the Committee on the Rights of the Child (hereafter: the Committee of CRC) suggests that each member country encourages the involvement of community agents, including families, schools, vocational training institutions, peer groups and employment sectors, to form voluntary organisations or associations to aid child offenders undergoing rehabilitation in the community. The Committee of CRC also requires particular attention for children who have dropped out of school or have yet to complete their education. Hence, the Committee of CRC recommends peer-based support groups and encourages parents' active involvement in assisting their children.

Meanwhile, referring to the conference of the Convention on the Rights of the Child held in Geneva from 15 January to 2 February 2007, the Committee on the Rights of the Child (subsequently referred to as the CRC Committee) recommends that each member state promotes the involvement of community actors—such as families, schools, vocational institutions, peer groups and the employment sector—in establishing voluntary organisations to support the rehabilitation of child offenders within the community. The CRC Committee also emphasises the need for special attention to be given to children who have dropped out or have not finished their schooling. To address this, the Committee encourages the formation of peer-based support groups and promotes the active participation of parents in supporting their children's reintegration. Member countries need to develop community-based rehabilitation programmes in response to the aforementioned issues. The Beijing Rules stress the need to mobilise community volunteers and existing services to contribute to aiding child offenders undergoing community rehabilitation effectively (Conference of the CRC in Geneva, 2007).

Several countries, such as Singapore, Japan, and Thailand, effectively provide community-based rehabilitation to reform child offenders and prevent recidivism by introducing them to the probation system. The programme implementation involves the community collaborating with the juvenile justice main actors (law enforcers), correction and probation officers, and civil society (churches and religious leaders) (Akashi & Watanabe, 2016; Ministry of Social and Family Development, 2020; Narkvichetr, 2018). For instance, the community in Thailand was recognised as a crucial agent in rehabilitating child offenders for a long-term positive future impact. The Department of Probation and Ministry of Justice have formed an alliance network with a local organisation (i.e., vocational college, centre for addicts, and Department of Continuing Education), other community-based professionals (i.e., senior citizen club, community centre, temple, and religious institutions), and private sector (i.e., businesses) to provide various programmes for child offenders such as religious seminars, vocational training, continuing education, personal guidance, and drug addiction camps (Narkvichetr, 2018).

The implementation of community-based rehabilitation is a testament to the trust placed by the formal juvenile justice system in community families or agents (McCarthy et al., 2016), including the confidence in the community agents' (i.e., families, schools, and religious institutions) ability to rehabilitate child offenders. The community agents are also the children's protective agents and play a critical role in curbing children's criminal involvement or behaviours (Novakovic et al., 2021). Additionally, the shift also suggests confidence in the community's ability to address the dynamic risk factors that contribute to the formation of children's criminal behaviour, which include low economic background, domestic violence, family issues, low parenting skills, weak control or supervision, school dropout, peer influences, substance abuse, stress or mental health concerns, marital issues, low attitude, weak problem-solving skills, and lack of leisure and recreational activities (Ambrose & Rosky, 2013; Center for Urban and Regional Affairs, 2017; Hillege et al., 2017; Williams & Berthelsen, 2017; Zapolski et al., 2018). For instance, peer influences, numerous cases have proven that the involvement of children in criminal activities is closely related to the influence of peers as reported in the case of

Public Prosecutor v KM (A Child) & Anor [2010] 9 CLJ 605, *Mohd Hanis Mohd Nasir & Anor v Public Prosecutor* ([2016] 6 CLJ 457 and *Public Prosecutor v Thevesh Sashikumar & Another* [2020] 9 CLJ 817. It includes committing crimes such as kidnapping, rape, robbery, armed robbery, and assault.

Rehabilitating and managing child offenders should not be placed entirely on community members. The legal systems in several countries, such as Japan, Philippines, Thailand, and Singapore, have specially appointed 'helpers' known as VPOs (Volunteer Probation Officers) or Volunteer Probation Aides (VPA) to assist families in managing children undergoing rehabilitation in the community. In Japan, a VPO is a member of the public with training or fundamental knowledge in medicine, psychology, pedagogy, sociology, and other specialities concerning rehabilitation (The Seminar on Promoting Community-Based Treatment in The ASEAN Region, 2015). In Japan, Article 1 of the Volunteer Probation Officer Act 1950 (VPO Act 1950) states that:

“The Mission of all volunteer probation officers shall be in the spirit of volunteer social service to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves and to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.”

Article 1 of the VPO Act 1950 explains that the VPO aims to help develop and rehabilitate individuals who have committed crimes or are child offenders, as well as to prevent crime to improve the well-being of offenders and society. The VPO is considered a valuable local community resource that acts as a link to existing local resources to be used during the recovery process, to be family advocates, and to further develop family/child interventions. The VPO roles include assisting probation officers in performing various tasks provided by law, acting as liaisons to existing resources in the community, family supporters, and mobilising the implementation of community rehabilitation activities (Akashi & Watanabe, 2016; Ekman, 2015; The Seminar on Promoting Community-Based Treatment in The ASEAN Region, 2015).

Meanwhile, VPOs in Thailand involve individuals with at least a high school certificate and two years of experience in social rehabilitation, social work, and social development, or with experience as a community leader. The VPO's roles include conducting supervision and implementing interventions developed for child offenders. Furthermore, the Probation Department in Singapore has assigned VPOs to form relationships or collaborations with educational institutions (schools) to assist child offenders undergoing community-based rehabilitation (Ekman, 2015).

Like Malaysia, past studies highlighted that parents with no assistance or supervision from practitioners feel less confident in rehabilitating their children (Ministry of Women, Family and Community Development & UNICEF, 2013). Therefore, implementing community-based rehabilitation can be effective by providing assistance, support, and supervision throughout the rehabilitation process. Past studies (Ministry of Women, Family and Community Development & UNICEF, 2013) emphasised that parents feel less confident in rehabilitating their children due to no assistance or supervision from the community, including ensuring compliance with curfew orders, addressing dynamic risk factors, and shaping pro-social behaviours.

Previous studies reported that child offenders undergoing community-based rehabilitation with supervision throughout the rehabilitation process exhibited lower recidivism and more positive outcomes (i.e., positive changes in behaviours and relationships with parents) (Akashi, 2018). For

example, in the USA, child offenders who receive intensive guidance from their local therapist are less likely to repeat offences and demonstrate improved family relationships (Markham, 2016). Similarly, Singapore also acknowledged that VPO supervision effectively addressed dynamic criminal genetic factors among children, such as dropouts and nurturing positive relationships among family members (Ministry of Social and Family Development, 2017).

The formal juvenile justice system must provide or appoint special assistants or individuals to aid families and communities throughout the rehabilitation process, including VPOs, probation officers, case managers, and therapists. During the rehabilitation process, the assistants hold multiple roles: to serve as social workers focusing on children's rehabilitation activities and ensuring that the children have access to social opportunities (education, employment, and housing). The assistants are also responsible for implementing counselling, developing programmes, and providing ongoing services or assistance during rehabilitation (Ming-Li et al., 2015).

The second role is as a case manager responsible for performing risk assessments and adjusting rehabilitation programmes to accommodate the needs and risks concerning the child. Subsequently, the case manager will connect the child or family with existing community resources. The third role is to provide support to the family. Most of the appointed assistants live close to the residence of the child's family, considered the 'closest neighbours' who regularly visit the children's home. The Seminar on Promoting Community-Based Treatment in the ASEAN Region (2015) emphasised that consistent support for both the child and their family is essential. This includes identifying and coordinating the child's surrounding environment throughout the rehabilitation process, alongside providing intensive supervision through regular home visits and ensuring adherence to restraint orders. Furthermore, the seminar highlighted the importance of mobilising community-based rehabilitation activities. As noted by Ekman (2015) and supported by the seminar's findings, rehabilitation assistants also play a key role in implementing crime prevention programmes and other proactive initiatives that extend beyond basic supervisory responsibilities.

METHODOLOGY

Case Study

This study employed a qualitative design using the case study approach. It represents a broad view of understanding human affairs and behaviour, which is insufficient to rely on quantitative design, surveys, and statistics (Holliday, 2007). A case study is an empirical inquiry that investigates a phenomenon in its real-life context. It helps researchers explore in depth a programme, event, activity, process, or one or more individuals (Creswell, 2014). This approach enables the researcher to obtain in-depth insights into key questions such as "How is the programme being conducted?" and "Why do certain outcomes occur?" Qualitative descriptive case studies are particularly useful for exploring 'how' and 'why' a specific social phenomenon takes place, rather than focusing on 'what' or 'how often' (Siti Balqis et al., 2021). This method helps present a clear picture of a particular situation, social structure, or relationship. In this study, the researcher adopted a single case study design, focusing exclusively on the *Bond of Good Behaviour*—an order issued by the Court for Children under Section 91(1)(b) of the Child Act 2001. This order requires a child offender to demonstrate good behaviour and comply with specific conditions imposed by the Court for a designated period. The scope of this study did not extend to the implementation of similar programmes within private institutions or non-governmental organisations, but was limited to examining the community-based rehabilitation programme within the selected case.

Population, Sample of the Study, and Sampling Technique

The study analysis unit was a community-based programme via diversion order for children who had committed minor criminal offences. Therefore, the study population is individuals involved in the implementation of the rehabilitation order, including child offenders, probation officers, and informal sources (the child's parent or caregiver). The study utilised objective sampling to select the participants and previously established inclusion criteria.

Population, Sample of the Study, and Sampling Technique

The unit of analysis in this study was a community-based rehabilitation programme implemented through a diversion order for children involved in minor criminal offences. Accordingly, the study population comprised individuals directly engaged in the implementation of the rehabilitation process, including child offenders, probation officers, and informal support sources such as parents or caregivers. The study employed purposive (objective) sampling to identify participants based on predetermined inclusion criteria relevant to the research objectives. Altogether, nineteen participants were involved in the study. They consisted of nine children who had committed offences (under Section 91 (1)(b) of the Child Act 2001), eight staff members (i.e., probation officers, court advisor, counsellors) involved in the delivery of social rehabilitation orders, and two parents/caregivers. However, this study drew data exclusively from nine children who had committed offences and were undergoing the community-based social rehabilitation order.

Table 1

Demographic Profiles of the Child Offenders

Name	Sex	Age	Type of Crimes	Type of Careers
Azi	F	15	Stealing	Parents
Rish	M	16	Robbery	Adoptive Parents
Emy	M	16	Drug	Parents
Mira	F	15	Stealing	Single Mother
Imm	M	15	Stealing	Grandparent
Yos	M	17	Fire Arms	Single mother
Tin	F	14	Drug	Single mother
Som	F	16	Drug	Aunt

This study involved nine children, from whom the researchers collected relevant information.

The researchers employed a criterion sampling technique to select nine child participants for this study. All selected children were subjected to an order under Section 91(1)(b) of the Child Act 2001. With authorisation from the Department of Social Welfare Malaysia, the researcher approached a probation officer from the Children's Division in Kuala Lumpur and requested a list of 15 children currently undergoing the “community-based rehabilitation” order. The proposed list was then reviewed in consultation with a child counsellor from the same department to assess the participants’ emotional well-being and communication abilities. Based on the counsellor’s recommendation, nine children who met the inclusion criteria were identified as suitable for participation. The researcher subsequently engaged with these nine children. Table 1 provides an overview of the background profiles of these participants, all of whom are subject to community-based social rehabilitation.

Research Instrument

The primary data collection technique used is in-depth interviews. The researcher designed three separate interview protocols (IPs), each tailored to a specific participant group: one for child offenders placed under the Bond of Good Behaviour pursuant to Section 91(1)(b) of the Child Act 2001; practitioners such as probation officers, counsellors, and court advisors; and parents or caregivers of the child offenders. The IP consists of three sections: family involvement, community mobilisation, and community supervision during the rehabilitation process.

Data Gathering and Analysis

For the data collection, the researcher used an in-depth interview technique to collect the data from this study. To gain real and in-depth inputs on their live experiences managing and participating in the rehabilitation programme, the researcher interviewed all the participants, including child offenders who executed the Bond of Good Behaviour under section 91(1)(b) of the Child Act 2001. The researcher concurrently collected and analysed the data to construct coherent and meaningful interpretations. Manual coding was employed to streamline the management, analysis, and interpretation of the data, ensuring a systematic and efficient process. The data analysis was guided by the six-step qualitative analysis approach adapted from Nowell et al. (2017), which includes: (1) audiotaping the interviews alongside real-time note-taking, (2) writing reflective journals immediately after each interview, (3) reviewing the audiotapes and refining field notes and observations, (4) conducting a preliminary content analysis, (5) carrying out a secondary, more in-depth content analysis, and (6) performing a thematic review to identify emerging patterns and insights. This integrated approach ensured analytical depth and reliability throughout the research process.

Ethics Approvals

This study was conducted in 2018 under the oversight of the Research Ethics Unit, Universiti Malaya, Malaysia. Participation was entirely voluntary. Prior to commencing data collection, the researcher clearly explained the study's objectives to each participant and obtained their informed consent through a signed consent form. To protect participants' confidentiality and privacy, pseudonyms were used, particularly considering the sensitive nature of the personal information shared. For child participants, interviews were conducted in the presence of a parent or caregiver; however, the adult remained at a distance within the interview setting to avoid direct involvement or influence on the conversation between the researcher and the child. The interviews took place in locations chosen by the children to ensure their comfort. Given that qualitative research seeks to explore phenomena within real-life contexts rather than to generalise findings (Yin, 2018), the credibility and relevance of the study's outcomes were ensured through the principle of trustworthiness. As affirmed by Amankwaa (2020), trustworthiness is established through credibility, dependability, confirmability, and transferability, ensuring the accuracy and integrity of qualitative findings. To uphold this standard, the researcher triangulated data gathered from various participant groups and verified the interpretations directly with the respondents. Additionally, steps were taken to avoid emotional bias and ensure the authenticity of the data throughout the analysis process.

RESULT

Based on the feedback from the participants, it can be concluded that the Malaysian juvenile justice system exhibits diversion elements as proposed by UNICEF. Three diversion components were traced in the execution of the Bond of Good Behavior programme: family involvement, community mobilisation, and community supervision. The results are presented according to specific themes that emerged from the data analysis.

Theme 1: Family Involvement

A diversion approach proposes family involvement in the community-based rehabilitation programme for child offenders. Thus, the present study examines whether the rehabilitation programme includes the children's family members in its activities. The children were asked, "Does the rehabilitation programme that you participated in involve your family members or other relatives?" Several replies reflected family involvement, stating that:

'If I have a counselling session or any programme at the Department of Social Welfare, my mum will be accompanying me all the time. She said she wanted to see all the important things directly. If I go alone, my mum will not believe me. Mum will follow even though I should have come alone. Mum still wants to follow and accompany me.' (Azi, child)

'Dad is involved. For example, he was paying the fine and arranging the bail process. He also brought me to the Court for Children to meet the investigating officer. Meet the investigation officer during remand. Afterwards, he brought me to the Department of Social Welfare to meet the counsellor if I had an appointment with them.' (Rish, child)

'Grandmother also attended counselling sessions at the Department of Social Welfare and met with the probation officer who managed my case. My grandmother joined and got involved in every programme organised by the department. There were a number of programmes, such as the family retreat programme, which was organised by the department near my house. It was a recreation programme with the family. We would stay at the resort for a few days. There were various programmes arranged, including motivational and activities with my family members.' (Imm, child)

'Many parents have been required to attend meetings with a counsellor throughout the rehabilitation process. For example, I was required to attend an Interactive Workshop. Meanwhile, during the rehabilitation process, the Court for Children gave an order to my parents and me to see a counsellor once every three months at the Department of Social Welfare.' (Emy, child)

'My mum always accompanied me when I attended an appointment with probation officers and counsellors throughout the rehabilitation process. My father also joined us, but my father died this year.' (Mira, child)

'If I have an appointment with a counsellor, my mum will take a leave and accompany me. My brother also came along. If we face transportation problems, the other brother will help and bring us to see a counsellor at the Department of Social Welfare. Every month, I must see a counsellor along with my family, either my mum or my brother. I also have to meet with a police officer accompanied by my brother every once a month.' (Yos, child)

The children's parents or guardians asked the same question, mentioning that:

'Every month, I bring my daughter to the Department of Social Welfare. The counsellor asked about my child's development, attitudes, and behaviour at home during the session, and she recorded each progress. Then, she gave us some advice. The counsellor also asked about plans for my child, whether she wanted to continue schooling, attend any vocational programmes, or prepare for work. This year, we attended the external programme (family retreat). Just once. The programme involved parents whose children have the same issues as mine, children involved in criminal behaviour. For a few nights, we stayed in the resort. They created awareness programmes that tried to make the children love each other.' (Azi's Mother)

'I accompany my daughter to the National Anti-Drugs Agency, which is once a month to meet the drug rehabilitation officer. There, they do a urine test on my child, attend counselling sessions, and discuss with my child and me.' (Tin's Mother)

In the case of *Public Prosecutor v. Thevesh Sashikumar dan Satu Lagi* [2020] CLJ 9, the Court for Children has made an order under section 91(1)(b) of the Child Act 2001, even though the social report showed that the children's parents failed to educate or provide perfect care due to financial problems. The court returns the children to their parents/guardians by ordering them to attend the Interactive Workshop program (section 93(1)(b) of the Child Act 2001. The orders were affirmed by the High Court. Generally, the Interactive Workshop is to help parents develop positive family relationships and create a sense of mutual understanding among them. The interventions introduced include individual/family assessment, counselling, psychoeducation, and Family Retreat (Department of Social Welfare, 2017). In short, the Courts give children a second chance to become good and useful citizens. Meanwhile, parents are also given a second chance to act as protective factors to reshape children's behaviour by obtaining guidance from the Interactive Workshop as stipulated in section 93(1)(b) AKK 2001.

Theme 2: Community Mobilisation

Previous research has confirmed that community engagement is effective in rehabilitating children who were involved in criminal activities, thus confirming the community as one of the protective agents in child offender rehabilitation. Community engagement provides numerous services based on the children's needs and builds solid cross-agency partnerships (between schools, police, parents, and religious institutions) throughout the rehabilitation process. This study explored the extent to which community agents were involved in implementing community-based rehabilitation programmes. To assess this, participants were asked, "Does the implementation of the community-based rehabilitation programmes involve any community members or agents?" The replies are as follows:

'Other sectors involved include school counsellors, drug treatment officers, and police officers. For example, children who had been convicted because of a drug offence. Thus, the Court for Children will order them to report to the drug officer near their community. Meanwhile, the Court for Children will ask their family to meet with the school management or school's counsellor for the children still in school. In this context, the police station and the school are institutions that work a lot with us throughout the rehabilitation process of these children.' (Mrs. L, Counsellor)

'Most of the time, the agency involved with these children is like a school where these children still need to go to school even though they committed a crime. They need to continue schooling throughout the rehabilitation process.' (Mr. K, Court for Children Advisor)

'Probation officers are individuals who are responsible for developing relationships with community agents. [The] Probation officer acts as a liaison to any significant stakeholders who are involved in the rehabilitation of these children. For example, probation officers need to deal with school management, or support and encourage children to participate in any vocational training throughout the rehabilitation process, such as at the Youth Skill Development Division Ministry of Youth and Sports Training Institution, GIATMARA, and so on. In addition, if these children are in need of counselling and guidance, probation officers will liaise with counsellors who serve in their community.' (Mr. P, Court for Children Advisor)

'Yes, schools, for one. The Court for Children may impose additional conditions on top of the Bond of Good Behavior order. For example, the children and their parents need to see a school counsellor once a month. The Department of Health is involved in the children's rehabilitation process, especially if these children involved in sexual offences. Meanwhile, if the case involved drug offences, the Court for Children will order those children to undergo rehabilitation programs at the National Anti-Drugs Agency every month. The application of section 93(1) of the Child Act 2001 is based on children and family needs, especially children who undergo rehabilitation in the community. This is where the children and parents will be involved or connected with any service providers in their community, such as counsellors at the Department of Social Welfare, police officers, and drug treatment officers.' (Mr. A, Probation Officer)

'As a Child Welfare Committee, my role is to conduct rehabilitation programs in the community at the place where I live. In Malaysia, each community or district has its Child Welfare Committee, where probation officers will help families and children undergo rehabilitation at the Probation Hostel after completing institutional-based rehabilitation. These children will continue their rehabilitation in the community within a year. We must supervise them throughout the rehabilitation process.' (Mrs. R, Child Welfare Committee)

The researcher posed the same question to the children. Again, most appeared unaware that community members were meant to be involved in the rehabilitation programme. According to them:

'I met a counsellor at JKM. If there are outsiders along, it could be the mothers or fathers of others who also have children involved in criminal activities like me. However, there is no one from my community area. They are not involved.' (Azi, child)

'Every month, I went to AADK in Cheras, and met the officers there. That is what I do every month - like having a urine test and my mother will accompany me. There were no involvement of neighbours or other people. I only met the National Anti-Drugs Agency officer who lives near my home.' (Tin, child)

'I only met Mrs. D at the Department of Social Welfare. My neighbours stay far from my home. I am also not involved with them. They did not know I was being arrested. Plus, after my parents got divorced, my mother did not know what had happened to me. We lost contact.' (Rish, child)

The above findings demonstrated the involvement of the community sector in community-based rehabilitation to rehabilitate child offenders. The most prominent community sectors are professional sectors such as the Social Welfare Department (JKM), the National Anti-Drug Agency (AADK), the Royal Malaysian Police (PDRM), and schools. This study also found a lack of involvement of non-professional community sectors, such as religious institutions and external volunteer agencies or non-governmental organisations, to help rehabilitate child offenders in the community. The findings of this study are in line with previous studies (such as Kamsiah, 2012), which found that the social responsibility of local communities and religious institutions towards children involved in crime is limited. This situation is inconsistent with the requirements prescribed by the Beijing Rules, which state in 1.3:

"Sufficient attention shall be given to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law."

The quote above shows that the Beijing Rules suggest the need to mobilise community members, including working together, to rehabilitate child offenders in the community.

Theme 3: Community Supervision

The CRC has proposed that the formal juvenile justice system provide or appoint special assistants or individuals to aid families and communities throughout the rehabilitation process. The assistants play multiple roles during the rehabilitation process, including social workers, case managers, and service providers to implement community-based rehabilitation activities (Ekman, 2015; The Seminar on Promoting Community-Based Treatment in the ASEAN Region, 2015). The study investigated whether the community-based rehabilitation programmes in Malaysia have appointed special assistants or individuals to aid families and communities throughout the rehabilitation process. The practitioners were asked, "Throughout the children's rehabilitation process, are there any special assistants or individuals who were appointed to assist families and communities?" The practitioners replied:

'In Malaysia, we have the Child Welfare Team to provide child offenders with community service, including providing support and assistance throughout the rehabilitation process. The Child Welfare Committee is an individual who has experience, knowledge, and expertise regarding the protection and rehabilitation of children. At least two representatives, namely from the Department of Education and The Royal Malaysian Police, are automatically appointed as Child Welfare Committee members in their area. They have a responsibility to create collaboration with schools in their community area. There are many types of functions and roles of the Child Welfare Committee, such as encouraging community participation relating to child welfare, assisting in implementing rehabilitation programmes at the Probation Hostel, assisting the probation officers (supporting and encouraging children to participate in any vocational training or

employment for children under supervision, supervising children on probation, and follow-up on the children released from institutions), and visiting the children undergoing the institution-based rehabilitation. The Child Welfare Committee members are also involved in planning and implementing rehabilitation programmes for these children.' (Mrs. Fatin, Officer at the Department of Social Welfare)

'We would visit the children and families three times a year for the children undergoing institution rehabilitation-based programmes. Two times are the meetings at the Probation Hostel and after the children have completed the rehabilitation process. Therefore, each Child Welfare Committee has a schedule to visit the children at the institution and their homes. We tend to implement programmes or interventions for children undergoing rehabilitation in institutions (the Probation Hostel) and after these children are released from the institution.' (Mrs. Rose, Child Welfare Committee)

'We conducted home visits depending on the family situation we were dealing with. The frequency is once or twice a month, depending on the family situation.' (Mrs. Nabila, Probation Officer)

'As probation officers, we must do the fieldwork to meet up with the family and community members, such as the neighbours. Most of the time, we conduct it during office hours. We observe the children's environment during the fieldwork and see the family's relationship with their community and chat with their neighbours. It is an important technique to find factors contributing to these children's involvement in criminal activities. If we have extra time, we would visit during the weekend and at night.' (Mr. Ali, Probation Officer)

Based on the findings above, the Malaysian juvenile justice system provided assistants or individuals to support families and communities throughout the rehabilitation process, namely probation officers and the Child Welfare Team. There are many roles of the Child Welfare Committee and probation officers, such as conducting meetings with the family and community members, supervising children on probation, visiting the children undergoing community-based rehabilitation, creating collaboration with schools, and encouraging children to participate in any vocational training or employment for children under supervision. Thus, the introduction of diversion would not necessarily require the development of new administrative structures. The existing community sectors, namely probation officers and the Child Welfare team in all districts, could provide guidance and supervision to children referred to a diversion programme. Diversion programmes, at least in the initial stages, could be introduced by making use of existing community service work programmes, combined with counselling services and interactive workshop programmes already operated by the Department of Social Welfare.

DISCUSSION

The findings of this study have shown that the Malaysian juvenile justice system actively mobilises community agents to help child offenders in the community proposed by UNICEF, namely family engagement, community mobilisation, and community supervision. However, this study sees the need to strengthen the role of community agents in preparation to implement formal diversion programmes for child offenders in Malaysia. Based on the study's findings, the researcher proposed a comprehensive diversion module for managing child offenders, which the Malaysian juvenile justice system could adopt to enhance the effectiveness of existing rehabilitation programmes. Previous studies confirmed

that family involvement is a “powerful weapon” in implementing child offenders' diversion programmes. For instance, Magidson and Kidd (2021) revealed that parents' involvement in rehabilitation programmes effectively increases parental functioning (i.e., parenting skills, relationships, monitoring, and supervision) to protect their children from recidivism, prevent stigmatisation or labelling, and influence the reshaping of children's attitudes, personalities, and behaviours. Additionally, family involvement plays an essential role in the children's development and positively impacts their attitudes or behaviour during the rehabilitation process (Indiran & Sridevi, 2017; Shanahan & diZerega, 2016). Although the family members were involved in the children's rehabilitation process, insufficient activities limit family participation in the rehabilitation programmes. Interventions were designed to focus on the children and overlook the family members' role throughout the rehabilitation period. It aligns with the purpose of provision of section 93(1) of the Child Act 2001. The Court for Children may require the child's parent or guardian to execute a bond for the child's good behaviour. The purpose is to empower the role of parents/guardians during the rehabilitation process. Also, parents are given a second chance to act as a protective factor to reshape children's behaviour by obtaining guidance (Counsellor, probation officer). It includes requiring the parent or guardian to accompany the child to report to the welfare department or police station, attending interactive workshops, consulting with the child's teacher, visiting the child (if the child is sent to an approved school or a Henry Gurney School), or any other condition as the Court for Children thinks fit.

Thus, the Malaysian juvenile justice system should acknowledge the importance of family components. Family involvement could be the most significant contributing factor to an effective child rehabilitation programme. One of the family involvement strategies is to develop parental and other family members' functioning. Family agents are the most substantial contributing factors to children's involvement in criminal activities and subsequent recidivism, caused by problematic family background, conflict in family relationships, or soft parenting skills. Many previous cases have reported the family as the cause of children's involvement in criminal activities. For example, in the case of *Mohd Hanis Mohd Nasir & Anor v Public Prosecutor* [2016] 6 CLJ 457, the children who were found guilty of committing rape were children who were victims of parental neglect and were found to have failed to provide the best possible care for the children. In the case of *A Child v Public Prosecutor* [2020] CLJU 2113, the child was found to have a mother who was serving a prison sentence in prison for drug possession. The support system around the children (such as aunt, grandfather, etc.) has also failed to function, resulting in the neglect of responsibilities and the dropping out of school.

In the USA, Parenting with Love and Limits (PLL) is one of the most popular family rehabilitation programmes for child offenders (Sterrett-Hong et al., 2018). The programme highlights efforts to reduce risk factors (i.e., high family conflict, low family cohesion, and support, harsh or inconsistent discipline) and increase protective factors (i.e., reducing family conflict, nurturance, support, and increasing cohesion with consistent discipline) among the parents and children (Sells, 2016). Throughout the rehabilitation process, PLL develops the parents or guardians with new skills (i.e., parenting skills, decision-making, and anger management) tailored to fulfil their needs to address the criminogenic risk factors. Numerous studies have proven that children in the PLL exhibited lower reoffending rates than those in institution-based interventions (Karam et al., 2017; Kollmann, 2018; Pennington, 2019). Previous research also demonstrated that PLL effectively improves parenting skills and communication among family members, reduces recidivism and aggressive behaviour among children (Development Service Group, 2014; Ryon et al., 2017).

Functional Family Therapy (FFT) is a current diversion initiative for child offenders (Michigan Department of Health and Human Services, 2021). The FFT emphasises family dysfunction as the root

of delinquent behaviour and seeks to establish and maintain new family behaviour and communication patterns that reinforce more adaptive youth behaviour (Schuler & Darnell, 2015). Most children undergoing community-based rehabilitation orders admit that they do not have friendly relationships with their family members, not to mention feeling loved by them. The case of *Mohd Hanis Mohd Nasir & Anor v Public Prosecutor* [2016] 6 CLJ 457, as discussed above, highlights this issue.

The FFT is a short-term intervention that involves the active participation of children and at least one parent in weekly therapy sessions. The primary objective is to reduce recidivism and aggressive behaviour by enhancing communication skills and reinforcing positive relationships within the family unit (Celinska, 2017). FFT has been widely implemented in various countries, including the United States, Singapore, New Zealand, and Canada, to support children in conflict with the law (Celinska, 2017). Research shows that FFT effectively reduces the likelihood of children re-engaging in criminal behaviour (Celinska et al., 2018). For instance, studies conducted in Singapore reveal that FFT not only strengthens family dynamics but also lowers school dropout rates and boosts parental motivation to support their children's rehabilitation journey (Gan et al., 2018; Ministry of Social and Family Development, 2017).

Apart from family, community involvement has long been recognised as a vital factor in rehabilitating children involved in criminal activities. Community engagement delivers numerous services based on children's needs. In addition, community-based rehabilitation processes build solid cross-agency partnerships between various stakeholders (i.e., schools and police, parents, and religious institutions). The practice is known as the 'whole-of-society' approach, allowing collaboration between multiple national and local government bodies and non-government actors, such as civil society organisations, the private sector, or religious communities (The Organisation for Security and Co-operation in Europe, 2020). Various international instruments, such as the Beijing Rules, Riyadh Guidelines, and the CRC, have provided for the child legal system of its member countries to mobilise community agents to help child offenders undergoing rehabilitation in the community.

Based on the Riyadh Guidelines, the implementation of services in the community is a response to the needs, problem-solving, interests, and tendencies of children by providing children and families with guidance and counselling services. With that, Riyadh Guidelines recommend the involvement of community members in providing existing resources in the community to implement various rehabilitation programmes. Next, the Committee of CRC recommends that each of its member countries encourage the involvement of community agents, including families, peer groups, schools, vocational training institutions, and employment sectors, to form voluntary organisations or associations to help child offenders undergoing rehabilitation in the community. They stated:

"The Committee fully supports the Riyadh Guidelines and agrees that emphasis should be placed on prevention policies that facilitate the successful socialisation and integration of all children, in particular through the family, the community, peer groups, schools, vocational training, and the world of work, as well as through voluntary organisations. This means, inter alia that prevention programmes should focus on support for particularly vulnerable families, the involvement of schools in teaching basic values (including information about the rights and responsibilities of children and parents under the law), and extending special care and attention to young persons at risk. In this regard, particular attention should also be given to children who drop out of school or otherwise do not complete their education. The use of peer group support and a strong involvement of parents are recommended. The States parties should also develop community-based

services and programmes that respond to the special needs, problems, concerns and interests of children, in particular of children repeatedly in conflict with the law, and that provide appropriate counselling and guidance to their families.”

The Committee of CRC focuses on vulnerable families, school involvement, and the extension of special care for children at risk. The CRC also recommends the formation of peer-based support groups and encourages the active involvement of parents to help children in the community. In its implementation, member states need to develop community-based rehabilitation programmes as a response to the above. The Committee of CRC focuses on vulnerable families, school involvement, and the extension of special care for children at risk. The Committee of CRC also recommends the formation of peer-based support groups and encourages the active involvement of parents to help children in the community. In its implementation, member states need to develop community-based rehabilitation programs as a response to the above. Peers are one of the important agents in a child's rehabilitation. In the case of *A Juvenile v Public Prosecutor* [2002] MLJU 471, the child had been influenced by his friends when he committed this offence (theft). The Court for Children found that the child had grown up under social pressure from his friends, which contributed to the formation of criminal behaviour. With that, the court recognises the importance of integrating children into peer groups that exhibit pro-social behaviour, as this fosters positive development and helps prevent recidivism.

The study examined whether the rehabilitation programme involved community agents during the rehabilitation process. The verbatim text analysis proved that the community agents participated in implementing community-based rehabilitation in Malaysia. The agents include formal bodies, such as the Royal Malaysia Police, Department of Social Welfare, National Anti-Drugs Agency, vocational training agencies, the Youth Skill Development Division, GIATMARA, the Ministry of Youth and Sports Training Institution, schools, and informal agents, such as family members and the Child Welfare Committee. Nonetheless, the study noted insufficient involvement from the informal sector during the rehabilitation process, indicating that the formal agents' responsibilities or roles are more important than informal agents throughout the children's rehabilitation process.

Many studies proposed that implementing community-based rehabilitation for child offenders should emphasise the informal agents' involvement as they are crucial in child offender rehabilitation (Novakovic et al., 2021). Collaboration with informal agents' multiple services would facilitate the formal agents (i.e., practitioners and families) to develop and implement more inclusive rehabilitation programmes. For instance, they reduce a child's criminal behaviour, address the community's criminogenic risk factors (i.e., peer rejection, dysfunctional neighbours, or gang affiliation), increase parents' and children's functioning, and shape pro-social behaviour during the rehabilitation process. Previous studies (i.e., Mathur & Clark, 2014) also stressed the informal sector's importance in assessing and providing community resources and reintegrating children into the community. Furthermore, the initiative is consistent with the Riyadh Guidelines, which encourage community members to provide extended care and attention to the children undergoing rehabilitation and reintegration (Riyadh Guidelines, 1990).

The study proposed that the Malaysian juvenile system should emphasise increasing the involvement of the informal agents in the rehabilitation process to enhance the initiative further. For instance, the Japanese legal system encouraged its citizens to support professionals or practitioners in rehabilitating child offenders in the community (Kato, 2018), authorising the community members as agents of change. Therefore, Japan has promoted the public or community members' involvement in the implementation of the rehabilitation programme, thus establishing numerous community-based

associations (i.e., Big Brothers and Sisters (BBS), the Co-operative Employers Organisation, and the Women's Association of Rehabilitation Aid (WARA)). The BBS is a voluntary organisation developed by young people to eliminate criminal or delinquent behaviour and develop pro-social relationships between children and adults through rehabilitation activities (Kato, 2018). The 'friendship activities' provide a mentor who acts as a caregiver and role model to the child during the rehabilitation process. In addition, the Co-operative Employers Organisation provides an employment or job training course for children, addressing the child offenders' stigma or discrimination. Consequently, various business organisations from multiple sectors (i.e., construction, industrial, and manufacturing) collaborate with the Japanese legal system to arrange employment opportunities for children (Kato, 2018; The Seminar on Promoting Community-Based Treatment in the ASEAN Region, 2015).

The study revealed that the Malaysian juvenile system had appointed an assistant to support family and community members throughout rehabilitation, including the formal practitioner (probation officers) and informal practitioner (Child Welfare Committee). The assistants are responsible for assisting, supporting, and supervising during the rehabilitation process. The international frameworks on social legislation of children's wellbeing, such as The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985), have stressed that the implementation of diversion or community-based programmes should offer the child offenders temporary supervision and guidance. Nevertheless, the current study suggests that the Malaysian juvenile system should enhance the practitioners' role in handling community child offenders. The verbatim text analysis (pg. 21; pg. 22) suggested that the practitioner (Child Welfare Committee) tends to implement the rehabilitation programmes among children undergoing the institution-based (the Probation Hostel) or children released from the institution often lack intensive supervision during community-based rehabilitation due to limited capacity for regular home visits and consistent monitoring.

Previous studies (i.e., Siti Balqis et al., 2021; Ministry of Women, Family and Community Development & UNICEF, 2013) have reported the limitations of implementing community-based programs during the rehabilitation period. One of the limitations pertains to the support and coordination services between the Child Welfare Committee and the probation officer. The Child Welfare Committee seemed unfocused about their role and emphasised more on children placed in institution-based rehabilitation rather than children in the community-based rehabilitation programme. This may be due to the differences in terms of activities involving children placed in institution-based rehabilitation and those in community-based rehabilitation programmes. Due to these limitations, children who undergo community-based rehabilitation are less likely to be involved in alternative educational and vocational training. Consequently, the children's parents or guardians feel depressed and unfairly treated due to no support or assistance throughout the rehabilitation process. The parents were worried about recidivism and expressed difficulty controlling their children's behaviour. Several parents felt less confident that their children would comply with the curfew order without assistance from community practitioners.

In handling child offenders in the community, several countries (i.e., Thailand, Singapore, Japan, Philippines) strive to raise and maximise community involvement or participation by appointing VPOs. The VPO is an approach that appoints community volunteers as part-time government officials to support professional probation officers. The VPOs are essential individuals who facilitate offender rehabilitation and convey a sense of acceptance by the community (Akashi, 2018). The primary roles of VPOs include aiding and supervising the children and promoting crime prevention activities in the community. The VPOs play an integral role in the probation supervision and assistance as they typically live in the same community and regularly meet with the children at their homes or the children's homes.

The probation officer will create treatment plans during the rehabilitation process and determine the minimum number of monthly meetings between VPOs and the children. Additionally, VPOs typically hold interviews with children around two to three times a month, held in their homes. As fellow residents, VPOs listen attentively to children, provide advice, assist in seeking jobs, meet with their families, and liaise with local social resources. The VPOs submit progress reports to the director of the probation office each month to evaluate the children's progress (Akashi, 2018). The VPOs are also responsible for conducting crime prevention activities to promote public awareness of the importance of offender rehabilitation, enhance social environments, and engage communities in crime prevention (Akashi, 2018). The practice is well established in international human rights jurisprudence, such as the Beijing Rules (1985), which proposed implementing community programmes to provide temporary supervision and guidance for children during rehabilitation.

The VPO plays a vital role in equipping child offenders with essential life skills by facilitating access to education, vocational training, or employment opportunities—key strategies within the juvenile justice system. This support is crucial, as children without academic qualifications, experience, or social capital face a heightened risk of long-term challenges and recidivism (Siti Balqis et al., 2021). Notably, many child offenders remain eager to return to school and complete their education (Ministry of Social and Family Development, 2017; Siti Balqis et al., 2021). In Singapore, the VPO is tasked with helping children pursue formal education, enrol in vocational programmes, or secure job placements during rehabilitation. Through the Academic Support Programme (ASpire!), VPOs offer tailored academic support in core subjects—Science, English, and Mathematics—resulting in most participants passing these subjects. Another initiative, YEAH!, enables VPOs to guide children in identifying and accessing industry-specific training and job placements aligned with their interests. Given the success of these programmes in supporting children's rehabilitation, this study recommends that the Malaysian government incorporate similar community mobilisation strategies into its community-based rehabilitation efforts for child offenders.

CONCLUSION

The objective of this study was to examine the practice of a community-based programme for minors involved in non-violent offences in Malaysia. The findings of this study have shown that the implementation of the community-based rehabilitation programmes in Malaysia aligns with the UNICEF diversion approach, involving family and community members and all social sectors. However, this study sees the need to strengthen the role of community agents in preparation to implement formal diversion programmes for child offenders in Malaysia. Therefore, recommendations for enhancing family and community members' participation and mobilising community agents are an initiative to formalise the community-based diversion programme for child offenders in Malaysia.

ACKNOWLEDGMENT

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

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