Malaysian Journal of Syariah and Law
مجلة الشريعة والقانون بماليزيا

Vol. 13, No. 2, pp. 413-427 | AUGUST 2025
DOI: https://doi.org/10.33102/mjsl.vol13no2.1199

THE IMPORTANCE OF PROBATION REPORTS IN DETERMINING EFFECTIVE REHABILITATION ORDERS UNDER THE MALAYSIAN CHILD ACT 2001: A CRITICAL ANALYSIS

[i,*]Jal Zabdi Mohd Yusoff, [i]Zulazhar Tahir & [ii]Siti Zaharah Jamaluddin

[i]Faculty of Law, Universiti Malaya, 50603, Kuala Lumpur, Malaysia
[ii]Independent Researcher (Retired Associate Professor, Faculty of Law, Universiti Malaya), 50603, Kuala Lumpur, Malaysia

*(Corresponding author) e-mail: jalzabdi@um.edu.my

Article history:
Submission date: 13 January 2025
Received in revised form: 14 March 2025
Acceptance date: 6 August 2025
Available online: 31 August 2025

Keywords:
Probation report, probation officer, child offender, Court For Children

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

Competing interest:
The author(s) have declared that no competing interests exist.

Cite as:
Mohd Yusoff, J. Z., Tahir, Z., & Jamaluddin, S. Z. (2025). The importance of probation reports in determining effective rehabilitation orders under the malaysian child act 2001: A critical analysis. 13(2), 413–427. https://doi.org/10.33102/mjsl.vol13no2.1199

ABSTRACT

Children who come into conflict with the law often do so due to unfavourable social environments, and exposure to the harsh criminal justice system can have long-term detrimental effects. Recognising that institutionalisation is not always the best solution, modern legal frameworks emphasise rehabilitation over punishment, aligning with the best interests of the child. Previous research argues that due to their immaturity and inability to distinguish right from wrong, society should give children a chance to be rehabilitated so that they can become good citizens. However, it is crucial not to send the wrong message to the community, suggesting that children will be treated leniently for criminal behaviour. Courts must therefore carefully determine when a child offender should be placed in a correctional institution and when community-based rehabilitation is more appropriate. In this article, the authors will examine the significance of probation reports in assisting the court in determining an appropriate order for child offenders. This study evaluates how probation reports influence sentencing decisions through an analysis of relevant case law and a comparative review of legal approaches in jurisdictions such as the United Kingdom and Australia. To achieve the objectives set for this article, the authors have adopted a qualitative approach. This involves analysing relevant texts and case law in Malaysia, as well as comparing practices in the United Kingdom and Singapore to identify best practices and common challenges. This article provides a critical analysis of the legal aspects, offering insightful perspectives on efforts to ensure that orders issued by the Court For Children, with valuable input from probation reports, are suitable for the rehabilitation of child offenders.

Introduction

According to Section 2 of the Child Act 2001 and Article 1 of the UNCRC, a child is defined as an individual under the age of 18, yet only those aged 10 and above are subject to criminal liability as stipulated in the Child Act 2001. This legal threshold highlights the unfortunate reality that some children become involved in criminal activities at such a young age. While most children are in school for their classes, a few children have to be in a rehabilitation centre or, even worse, end up in prison. Malaysia is not the only country facing such a situation. Most countries around the world are facing the same problem regarding the number of children involved in crime. For example, in Singapore, the Ministry of Social and Family Development reported that there were 2,500 cases a year of youths arrested for criminal offences. The three most common offences were theft, cheating and related offences, and sexual offences (Ministry of Social and Family Development (MSF), 2024; Lew et al., 2024). During the pandemic in the United Kingdom, statistics showed a decline in crime-related measures for children and young people, such as offending rates, arrests, and custody numbers. However, the youth justice system is now returning to pre-pandemic levels. Government data for 2022/23 reveals a 9% increase in child arrests, totalling approximately 59,000, along with a rise in first-time entrants to the system for the first time in ten years. Violent offences accounted for the largest share at 34%, followed by motoring offences at 12%, and theft, drug-related offences, or criminal damage, each at 8% (UK Parliament, 2024).

In Malaysia, the number of children involved with crime in 2019 was 4,833 (Department of Social Welfare, 2019); in 2020, it was recorded at 5,342 cases (Department of Social Welfare, 2020); in 2021, there were 3,457 cases (Department of Social Welfare, 2021); and in 2022, it was recorded as 3,013 cases (Department of Social Welfare, 2022). Though the statistic shows a decline in numbers, it is a worrying figure considering the type of offences committed. For example, in *Pendakwaraya v. KM (A Child) and Anor* (2009) MLJU 1672, a child offender together with an adult offender were charged with the offences of kidnapping, rape, and robbery, to which they both pleaded guilty. However, in terms of statistics, several types of offences recorded the highest number among child offenders, including traffic offences, drugs, crimes relating to humans, crimes relating to property, and gambling (Department of Social Welfare, 2022).

Thus, the probation report required under Section 90(12) of the Child Act 2001 is crucial for the Court For Children's consideration before deciding how to deal with the child, as it provides detailed insights into the background, behaviour, and rehabilitative potential of child offenders. It can significantly influence the court's decision on the appropriate order under the Child Act 2001. Beyond determining an appropriate legal consequence, the report provides valuable information that can guide future interventions or rehabilitation programmes tailored to the child's individual needs. Therefore, this article will critically explore the legal aspects of ensuring that orders issued by the Court For Children effectively support the rehabilitation of child offenders. It emphasises the importance of probation reports in helping the court make informed decisions about suitable orders. Additionally, the article examines how probation reports impact the court's decisions to achieve effective rehabilitation outcomes based on the principle of the 'best interest of the child'.

Literature Review

Research on children in conflict with the law has been examined from various perspectives by different stakeholders. However, there is a significant gap in the literature, particularly regarding probation reports based on case studies in Malaysia. While some articles discuss probation reports in relation to probation officers, court advisors, and the juvenile justice system, this area remains underexplored. The Child Act 2001 in Malaysia, which is specifically designed to address the care, protection, and rehabilitation of children, provides a crucial legal framework. Nevertheless, the absence of detailed studies on probation reports leaves an important aspect of juvenile justice in Malaysia largely unexamined. To date, rehabilitation remains the most effective approach for addressing child offenders. According to Samuri et al., (2013), the rehabilitation theory is particularly well-suited for child offenders, as they have greater potential for rehabilitation. However, courts often face a dilemma in balancing public interest considerations with the welfare of the child when determining the appropriate sentencing principles for child offenders.

Meanwhile, Tata et al., (2008) emphasised that probation reports play a vital role in supporting the sentencing process by providing the court with essential information, guidance, and insights into the convicted individual's personal background, social circumstances, and past offences, as well as the appropriateness of various sentencing options. Studies consistently highlight the significance of probation reports as a mechanism that aids the court in decision-making by offering insights into the child's background, family circumstances, tendencies, and potential for rehabilitation. The court's challenge lies in identifying the most suitable sentence to achieve this goal. Therefore, to effectively determine the appropriate sentence and sentencing principle, the court must rely on the probation report.

The importance of probation reports is also emphasised by Mohammad and Azman (2018), who, in their article "*Probation Officers and the Experience of Juvenile Offenders in the Juvenile System*", discuss how both probation officers and probation reports are critical elements in effectively managing children in conflict with the law. Their findings emphasise the importance of detailed probation reports in assisting the Court For Children. According to them, probation officers act as the "eyes and ears" of the juvenile justice system. This study primarily focuses on probation officers' perceptions and opinions regarding the experiences of juvenile offenders within the juvenile justice system.

Similarly, Rosli (2021), in the article "*An Observation on 'Basikal Lajak' Kids*", discusses the principle of the best interests of the child in the Court For Children. He asserts that in determining appropriate interventions for children in conflict with the law, a balance must be struck between the rights of all parties, including the child, their parents or guardians, and society as a whole. Therefore, information must be gathered from various sources, including the child offender, their guardians, schools, and the community. This is done through interviews conducted by probation officers. The probation report is crucial in ensuring that the court issues orders based on informed decision-making. According to Eusofe et al., (2023), in ensuring that the best interests of the child are upheld, the court carefully evaluates multiple factors before issuing an appropriate order. This does not mean that the child will simply receive the least severe punishment, such as a warning. The magistrate must thoroughly assess the case facts, consider the probation report prepared by the probation officer, and take into account the recommendations of the court advisers before making a final decision.

Aziz et al., (2023), in article entitled "*Juvenile Delinquency among Malaysian Adolescents: Probation Officers' Accounts on Driving Factors and Curbing Strategies*", assert that while a risk factor can raise the likelihood of offending, it does not guarantee that such behaviour will occur. Consequently, understanding these risk factors is essential for improving prevention programmes, particularly when resources such as staffing and funding are limited. By pinpointing the risk factors that lead to delinquency in specific youth groups at various developmental stages, programmes can tailor their efforts more effectively, enhancing both efficiency and cost-effectiveness. The study identifies family environment, poor academic performance, peer influence, and individual attributes as key contributors to juvenile delinquency. All these factors are essential for the probation officer when preparing the probation report to determine the most appropriate sentencing option for the child offender. Anggelina (2024) emphasises this in her article "*The Role of Probation Officer in Handling Children in Conflict with the Law Under the Age of 12 at the Class I Correctional Center in Palembang, South Sumatra*". She highlights that at every stage of handling children's cases, the probation officer is crucial in providing support to children in conflict with the law. This is crucial in ensuring the legality of the decision and in determining the appropriate treatment for children in conflict with the law.

In their article "*Sentencing Child Offenders in Malaysia: When Practice Meets Its Purpose*", Randawar et al., (2022) examine the sentencing process for child offenders. They highlight the essential role of probation reports, which provide comprehensive information to help the court make decisions that are in the best interest of the child. The authors stress the importance of these reports and advocate for a more thorough investigation into their influence on judicial decisions. This article aims to fill that gap by critically analysing key elements of probation reports. Ultimately, the goal is to ensure that children receive the most suitable interventions, with the Court For Children fully equipped to make informed decisions based on detailed probation reports.

These points have been highlighted in several cases, such as *Public Prosecutor v. Nazarudin Bin Ahmad & 2 Ors.* (1993) 2 CLJ 543 and the case of *Public Prosecutor v. SAK (the child)* (2021) MLJU 1707. Based on these cases, it was emphasised that when addressing young offenders, there is typically little conflict between the public's interest and the offender's well-being. The primary concern of the public is to ensure that the young individual grows into a responsible, law-abiding citizen. The court's challenging task is to identify which sentence provides the best opportunity to achieve this goal. Therefore, to effectively determine the appropriate sentence and sentencing principle, the court must rely on the probation report. This report offers valuable insights that assist in assessing the unique circumstances of the young offender. According to the court in the case of *Public Prosecutor v. SAK (the child)* (2021) MLJU 1707, by utilising this information, the court can identify a sentence that serves both the public interest and the child's best interests, leading to a more balanced and just outcome.

Thus, the probation report is essential to the judicial process, fulfilling a dual purpose that goes beyond providing a detailed account of the child offender's background for court review. More importantly, it offers in-depth analysis that helps identify the most appropriate and constructive sentencing solutions. By evaluating the individual circumstances, needs, and potential for rehabilitation, the report ensures that sentencing addresses not only the immediate offence but also supports the offender's long-term development, thereby reducing the likelihood of reoffending. This comprehensive approach enhances the legal system's effectiveness in delivering justice while promoting the child's rehabilitation.

Methodology

This study utilises a qualitative research approach, incorporating library research and content analysis to collect data. According to Creswell and Creswell (2018), qualitative research is well-suited for exploring and interpreting the meanings associated with social issues. This method was selected for its ability to provide a comprehensive understanding of complex, context-rich materials, including legal statutes, case reports, academic journals, and books (Bowen, 2009). Using a qualitative methodology, this study analyses key provisions of the Child Act 2001, with a focus on the handling of probation reports. Additionally, it examines comparable frameworks in the United Kingdom and Singapore. The United Kingdom was selected for its well-established juvenile justice system, which shares similarities with Malaysia's approach, particularly in probation and rehabilitation practices. Singapore was chosen due to its historical, legal, and socio-cultural parallels with Malaysia.

The Malaysian Court For Children

In Malaysia, the Juvenile Court was created through the Juvenile Court Act of 1947. In 2001, the Juvenile Court was substituted by the Court For Children via section 11 of the Child Act 2001. As it operates as a distinct court, the Court For Children has its own methods for handling the child offender, and there are multiple types of orders that the court may issue upon a finding of guilt.

Main Component of the Court For Children

To ensure a balanced approach and diverse perspectives when making decisions involving child offenders, the magistrate, probation officer, and court advisers all play vital roles in the Court For Children, as outlined by the Child Act 2001. The probation officer will prepare a probation report, which includes their recommendation for a suitable order according to section 90(13) of the Child Act 2001. The input from the report is crucial, as the court advisers will rely on it when providing their advice to the magistrate. Ultimately, the magistrate will consider the recommendations in the report and the advice from the court advisers before deciding on the appropriate order.

The Probation Officer

A probation officer is defined under section 10 of the Child Act 2001, which provides that the Minister may appoint any number of Social Welfare Officers (including Social Welfare Assistants) as probation officers. The probation officer is given 30 days to prepare the report. According to Mohammad and Azman (2018), probation officers in Malaysia are among the most important figures in a child offender's experience. The court in the case of *A Child v. Public Prosecutor* (2020) MLJU 1394 highlighted that the probation officer must demonstrate honesty, objectivity, knowledge, and diligence when preparing the report, as it significantly impacts the child's life and will assist the Court in making informed decisions.

Based on the relevant information collected by the officer during the preparation of the probation report, they can make a recommendation as to the suitable order. However, this recommendation may not always be adopted by the court advisers or the magistrate. The court may consider additional evidence, different perspectives, or other legal factors that could influence their final decision, potentially leading to an outcome that differs from the probation officer's initial recommendation (see further discussion in the subsection on the Non-Binding Nature of the Recommendation by the Probation Officer).

Court Advisers

Section 11(2) of the Child Act 2001 provides that, in proceedings before the Court For Children, two court advisers appointed by the Minister must be present, and at least one of them must be a woman. The function of the court adviser is to advise the magistrate as to the appropriate order. The court advisers are appointed from among the people residing in the state with relevant experience in dealing with children. Currently, most of them are former Social Welfare Officers and retired government officers, such as teachers and police officers, etc. (Eusofe et al., 2023). At the same time, there are also people from non-governmental agencies and community leaders. The main task of the court adviser, as provided under section 11(4) of the Child Act 2001, is to advise the magistrate as to the suitable order or related treatment and to advise the parent or guardian of the child, if necessary.

The wording of section 11(4)(a) of the Child Act 2001 clearly states that the court advisers are to inform and advise the Court regarding any considerations affecting the orders made. The background and experience of the court advisers enable them to advise the magistrate, particularly on community issues. Sections 90(17) and (18) of the Act require the Court to ascertain each adviser's opinion, and all such opinions must be recorded. Although the Court is not bound to follow the opinions of the court advisers, section 90(18) mandates that the Court must record its reasons for dissenting from these opinions.

Magistrate

Section 11(2) of the Child Act 2001 specifies that a Court For Children shall be composed of a magistrate, who will be supported in their duties by two advisers. This support is not required when making an order under subsections 9(4), 4(4), 84, or 86 of the Child Act 2001. The advisers will be appointed by the Minister from a panel of individuals residing in the state.

In a normal court dealing with adult offenders, the court will consider various factors in determining an appropriate punishment, including public interest. Hilbery J in *R v. Ball* (1951) 35 Cr App R 164 said that the public interest is best served when the offender is encouraged to abandon criminal behaviour in favour of a life of honesty.

However, in addressing child offenders, the approach changes slightly because the court's primary objective is to rehabilitate the child, guiding them toward becoming a responsible and productive citizen. In imposing a suitable order, the magistrate, assisted by the two advisers, must consider the best interests of the child. However, as noted earlier, the best interests of the child do not necessarily imply a lighter punishment, as highlighted by Justice V.T. Singham in the case of *Public Prosecutor v. Mohd Turmizy Mahdzir & Anor* (2007) 9 CLJ 187. While referring to Mastronardi (2000) 11 A Crim. R 306, the court in Mastronardi observed:

> "It is important to stress that a child or youth cannot be used as a 'cloak of convenience' to avoid accepting proper responsibility for criminal behaviour".

While it is important to consider the child's background, circumstances, and potential for rehabilitation, the seriousness of their actions often shifts the focus toward accountability and deterrence. Thus, the probation report plays a vital role in the Court For Children, offering key information that helps guide sentencing decisions and evaluate a child offender. At the same time, the court in the case of *Pendakwaraya v. MFM dan lain-lain* (2023) MLJU 1661 stated that the magistrate handling cases in the Court For Children must ensure that all prescribed procedures are followed and should not treat the proceedings as a mere routine.

Probation Report

> "But from a perusal of the probation reports (P30, P31 and P32) prepared on him, it is clear to me that this child offender ought not to be returned to his family home because his family home, as could be deduced from those probation reports, is definitely not in a conducive state to provide this child offender with the necessary environment in which he can flourish, or at least learn to live a life as a normal child. He needs to be taught useful living skills and tight discipline so that he may be able to see life in a different light and realise the utter uselessness and futility of associating with less than savoury characters as he did in the past, and upon whom the cause of and reason for his indiscretions had been attributed".

As highlighted above by *Justice Abang Iskandar in the case of Pendakwaraya v. KM (A Child) and Anor* (2009) MLJU 1672, the probation report is a crucial document that can significantly influence the child's future. This is because the information contained in the report can assist the court in making an order that is appropriate for the child. According to Ferdousi and Abdullah (2024), the probation officer plays a crucial role in preparing informative probation reports. Section 2 of the Child Act 2001 defines 'probation report' as a report prepared by a probation officer. Sections 90 (12) and (13) of the Child Act 2001 emphasise the significance of a probation report. They state that the Court For Children may instruct a probation officer to prepare and submit a report within 30 days for the Court's review before deciding on how to handle a child after a guilty finding or when the Court is convinced that the offence has been established. The probation report should include details about the child's overall behaviour, home environment, school performance, and medical history to assist the Court in making decisions that prioritise the child's best interests. The probation report may also incorporate any written assessment from a Social Welfare Officer, a registered medical practitioner, or any other individual deemed appropriate by the Court to provide insights on the child. According to the case of *PP v. Luqman Hakim Adnan* (2023) CLJU 2836, a probation report is also important for the court to obtain an update as to the character and status of the accused. This includes information that was previously unknown to many or discovering what is hidden about the child, as highlighted by the case of *A Child v. Public Prosecutor* (2020) MLJU 1394. It is interesting to note that Judicial Commissioner Awang Armadajaya Awang Mahmud in the case *A Child v. Public Prosecutor* (2020) MLJU 1394 equated the probation report to a doctor's prescription and stressed that the ultimate decision regarding treatment or medication will rest with the court.

The court in the case of *A Child v. Public Prosecutor* (2020) MLJU 1394 also highlighted that there are two parts to the report, namely, the fact-finding part and the interpretation of the facts part. According to the court, in the fact-finding part, it must be objective and shall be fully governed by the Evidence Laws. This includes how the officer prepares the report, ensuring that the issue of hearsay is avoided. Thus, information contained in the report must be thorough, including the source of information. For the report to be prepared, section 90(14) of the Child Act 2001 allows the child to be released on bail or remand in a place of detention. The court must explain the substance of the report to the child and parents or guardians. Parents and guardians are permitted to produce additional information concerning the said report according to sections 90(15) and (16) of the Child Act 2001. It is submitted that the points raised by the court in this case are important especially as the court will rely on the probation report in making the orders. Therefore, the probation officer must ensure that the content and quality of the report are their top priorities.

Upon a finding of guilt, by referring to the probation report and the opinions of the advisers, the magistrate shall decide on the order to be imposed on the child offender. Section 91(1) of the Child Act 2001 provides various orders such as giving a warning and discharge, requiring the child offender to execute a bond of good behaviour, placing the child in the care of a relative, paying a fine, compensation or costs, probation order, and community service.

Section 91(1) also provides for institutionalisation, where the court can make an order to place the child offender in an approved school or Henry Gurney School, or even imprisonment for a child who is 14 years and above under section 96 of the Child Act 2001. This is one of the main differences between the two systems, i.e., the 'punitive' aspect. The adult offender will be punished as per the punishment section. For example, if the adult offender is found guilty under section 323 of the Malaysian Penal Code, he or she

will be sentenced to less than a year of imprisonment or a RM2,000.00 fine, or both. However, for the child offender, upon finding guilt by the court of a similar offence, the court will make an order as provided by the Child Act 2001. An examination of the orders under section 91(1) and section 97 of the Child Act 2001 reveals a clear rehabilitative element, particularly in relation to orders involving rehabilitation in institutions such as Approved Schools and Henry Gurney Schools.

Table 1. Children in Conflict with Law by Court Orders and Sex, 2022 (Department of Social Welfare, 2022)

Section under the Child Act 2001	Court Decision	Male	Female	Total
S. 91 (1) (a)	Admonish and Discharge	28	2	30
S. 91 (1) (b)	Discharge the child upon executing good behaviour bond	741	50	791
S. 91 (1) (c)	In the care of a relative or other fit and proper person	0	0	0
S. 91 (1) (d)	Fine/Compensation/Costs	468	27	495
S. 91 (1) (da)	Community Service Order	210	5	215
S. 91 (1) (e)	Probation Order under Section 98	6	0	6
S. 91 (1) (f)	To be sent to an approved school/ Sekolah Henry Gurney	190	12	202
S. 91 (1) (h)	Imprisonment	55	3	58

Table 1 above shows the number and type of orders made under the Child Act 2001 in cases of children in conflict with the law in 2022. From the table, it is obvious that the top four orders are i) executing bond of good behaviour under section 91(1)(b), ii) fine/compensation/cost under section 91(1)(d), iii) community service under section 91(1) (da) and iv) to be sent to an approved school or Henry Gurney School under section 91(1)(f). Based on the table above, the figures and categories of cases involving children in conflict with the law are outlined. This information serves as a critical indicator of the significance of preparing probation reports, as they are required for all such cases.

Results and Findings

The Order of the Court For Children

To determine an appropriate order, the court must consider the specific facts and circumstances of the case. According to the court in the case of *Pendakwaraya v. KM (A Child) and Anor* (2009) MLJU 1672, section 91 of the Child Act 2001 can be described as being both a 'welfare-driven' and a 'justice-driven' piece of legislation. Thus, the court will need to exercise its wisdom in determining what kind of order or orders ought to be made based on the circumstances of the case before it. At the same time, the court must ensure that the welfare of the child offender and society's expectations for justice are carefully balanced and adequately addressed. The orders in section 91(1) of the Child Act 2001 were arranged from the lightest to the most severe, which is imprisonment. This is the spirit of the Convention on the Rights of the Child (CRC), where institutionalisation or imprisonment should be the last resort (Article 37(b) of the CRC). Relevant sections in the Child Act 2001 also support this notion. For example, sections 62 and 66 emphasise that children under the age of 10 should not be placed in probation hostels or approved schools, while sections 74 and 96 state that children under the age of 14 should not be placed in Henry Gurney Schools or prisons. As discussed above, upon finding guilt, the court will make a relevant and suitable order for the child offender. This is a very important exercise, as the order will have a significant impact on the child's future. Realising the importance of the order, the Child Act 2001 has laid down the procedures to be followed by the court before the magistrate makes an order. In the case of *Public Prosecutor v. I. I. I. (Child Offender)* (2016) 1 LNS 1102, the court is of the view that imposing an appropriate order on a child offender is a challenging task, as it must consider the child's lack of adult maturity. Thus, a comprehensive background check, including the child's general conduct, home surroundings, school record, and medical report via the probation report, is crucial. This process involves the designated probation officer conducting interviews with the child offender, their guardian, and other relevant witnesses, including the school authorities and the community (Rosli, 2021).

The difficulties in making the suitable order have also been raised in various cases, including the case of *Pendakwa Raya lwn Muhamad Abdul Rahim bin Adnan dan satu lagi* (2008) 7 MLJ 883. In this case, Mohamed Zawawi Salleh JC (as he then was) said:

> "Third, the purpose of sentencing itself is not agreed upon by all parties involved in the administration of criminal justice. Therefore, when considering appropriate sentences for criminal cases, there can sometimes be a 'conflict of attitude' between the court, the prosecution, the defence, probation officers, psychologists, and other relevant parties. There is also inconsistency in sentencing between different courts. This occurs because there are many factors that can be considered when passing a sentence, but not all must be taken into account. Thus, the impact of the sentence to be considered is not limited to the offender alone but extends to society as a whole. The court, in passing a sentence, must not only consider what has occurred in the case but also 'should have its eye on the future".

At this stage, it can be concluded that the task of the Court in determining the suitable order for cases involving child offenders is critical. Imposing a lenient order on such children may not align with the principles of justice and accountability, as this could send a misleading message to society, as highlighted by Justice KN Segara in *Public Prosecutor v. Low Kian Boon & Ors* (2006) 3 CLJ 649. According to the learned judge, it will send a wrong signal to society if child offenders are treated with 'kid gloves' when they are found guilty of committing serious crimes. In some way, we can see that the Child Act 2001 supports this idea, where section 67(1)(b) of the Child Act 2001 provides that a child offender can be sent to an approved school if the probation report indicates that the child needs rehabilitation in an institution. In *Pendakwa Raya v. KM (A Child) and Anor* (2009) MLJU 1672, the child offender pleaded guilty to all charges; kidnapping, rape, and robbery. The High Court, in considering an appropriate order, referred to the probation report and held the view that the child offender should not be returned to his family home. Based on the probation report, it was clear that the family home was not conducive to providing the necessary environment for the child to thrive or, at the very least, learn to live a normal life.

Meanwhile, in the case of *Pendakwa Raya v. LKL* (2018) MLJU 2140, the probation report highlighted key aspects that were crucial for the court to make an appropriate order. For example, the report indicated that there was no evidence suggesting that the child offender had any criminal habits or tendencies requiring rehabilitation at Henry Gurney School. In this case, the child offender was charged with the offence of rape and pleaded guilty. The probation officer recommended an order under section 91(1)(d) of the Child Act 2001, which is to pay a fine, compensation, or costs. However, the prosecution argued that the order under section 91(1)(d) was insufficient and that, at the very least, the child should be sent to Henry Gurney School. Meanwhile, the court advisers acknowledged that the offence committed was serious; however, they believed the child should be allowed to reform, considering that he had started to turn his life around. The Court For Children in this case took into consideration various aspects, including the age of the child offender, the fact that he was a first-time offender, the nature of the offence (as there was no element of violence), the child offender pleading guilty, and the offender expressing remorse and pleading to be given a second chance. The probation report shows that the child offender felt ashamed, becoming the subject of gossip within the community, which led to the offender not wanting to attend school. The family decided to send the offender to live and work with his uncle. Thus, the Court, in this case, was of the view that an order under section 91(1)(d) of the Child Act 2001 was more appropriate, and taking into consideration the seriousness of the offence, the fine was fixed at RM 5,000.00. The court also issued an additional order under section 93(1) of the same Act, requiring the parent to provide a good behaviour bond for the child's conduct for 2 years, with a guarantee of RM 2,000.00. The bond is subject to two conditions: (1) the parent, accompanied by the child, must report to the Department of Social Welfare once a month during the 2-year bond period, and (2) the parent is required to accompany the child to participate in interactive workshops organised by the Department of Social Welfare.

In the case of *A Child v. Public Prosecutor* (2020) MLJU 1394, the High Court is of the view that if the child chooses to make a fresh start, is willing to reform, and aims to reintegrate into society as a law-abiding citizen while also being a responsible member of their family, they must be afforded that opportunity. However, this must be supported by evidence, especially from the probation report. For example, in the case of *MNZMN v. Public Prosecutor and other appeals* (2023) 6 CLJ 505, the child offenders in this case were charged with 3 charges of sexual-related offences, which were 2 offences under section 14(a) of the Sexual Offences Against Children Act 2017 and one offence under section 377C of the Penal Code in the Court For Children at Sepang. Meanwhile, at the Court For Children at Petaling Jaya, he was charged under section 14(a) of the Sexual Offences Against Children Act 2017. He pleaded guilty to all the charges. He was ordered by both Courts for Children at Sepang and Petaling Jaya to be sent to Henry Gurney School. The child offender appealed to the High Court, but his appeal was rejected, prompting him to take the case to the Court of Appeal.

According to the Court of Appeal, the probation reports reveal that the appellant came from a family where both parents worked, leaving them with insufficient time to care for him. He started smoking at the age of 12 but quit after being caught and reprimanded by his mother. His boarding school also prohibited smoking. Additionally, he frequently visited pornographic websites on his mobile phone, which eventually led to indecent text messages being sent to a colleague. Most significantly, he committed acts of outraging the modesty of his victims on two separate occasions, one of whom was his sister. Despite this, the appellant was able to recite verses from the Al-Quran and frequently prayed at the nearby mosque while staying with his grandparents. After the incidents in question, his father observed a positive change in his behaviour. He began spending more time at home focusing on his studies and less time on his mobile phone, choosing to watch animated shows to curb the temptation of browsing pornographic websites. The Court of Appeal was convinced that the child offender had gone astray but was now filled with remorse and shame for his teenage folly. Thus, the Court of Appeal was of the view that the appropriate order was to invoke section 91(1)(d) of the Child Act 2001 and order the appellant to perform community service of a total of 100 hours as prescribed and supervised by the Social Welfare Department, which may include undergoing counselling, religious, and moral education.

The ultimate purpose is not to punish the child but to engage in a reformative process. Thus, the Court For Children needs comprehensive input before deciding on the suitable order to be made. During the second reading of the Child Bill 2000, the Parliamentary Secretary to the Ministry of National Unity and Community Development said that in deciding a sentence, the magistrate presiding over a child is required to consider, among other things, the character report prepared by a probation officer and the opinions of the court advisers, to ensure that the sentence imposed is as just as possible (Official Parliamentary Report, 2000).

Non-Binding Nature of the Recommendation by the Probation Officer

It is evident that the probation report is crucial, as it enables the magistrate to make an informed decision (Randawar et al., 2022). This is because the magistrate requires more information about the child to make a fair and appropriate decision. For example, in *Pendakwa Raya v. Mohamad Amirol Syahmi bin Mohd Roslan* (2022) MLJU 548, where the child was charged under section 12(2) of the Dangerous Drugs Act 1952. The child offender admitted to the facts constituting the offence. The probation report recommended placing the child on a Bond of Good Behaviour with surety for two years under section 91(1)(b) of the Child Act 2001, with an additional condition under section 93(1)(e) to report to the nearest police station to their residence for supervision for two years. Both the advisers concurred with the probation officer's recommendation. However, the magistrate was of the view that, as revealed in the probation report, the child's father was in prison for a drug-related offence, and his unemployed mother was aware of the child's involvement in drug dealing, as it provided financial support for the family. Additionally, the report indicated that the child had not received proper monitoring or supervision from either parent due to the family issues they were facing. The magistrate believed that the environment in which the child offender was living was not conducive to the child's rehabilitation or improvement. Thus, the magistrate ordered the child offender to be sent to Henry Gurney School for three years under section 91(1)(f) of the Child Act 2001. This case illustrates a situation where the Court did not follow the recommendations of the probation officer and court advisers. The probation report highlighted key factors: the mother was fully aware of the child's involvement in drug dealing activities, the father was a drug addict who had been in

and out of prison, the child was influenced by friends, and there was no family control. Therefore, the recommendation for a Bond of Good Behaviour with surety for a period of two years under section 91(1)(b) of the Child Act 2001 would not have been beneficial for the child.

In the case of *Public Prosecutor v. YG (A Child)* (2020) MLJU 1705, the child offender was charged with the offence of causing grievous hurt under section 326 of the Penal Code, read together with section 34 of the Penal Code. The child offender pleaded guilty. The probation report recommended that the child offender perform community service, and the Sessions Court Judge, exercising her powers under section 91(1)(da) of the Child Act 2001, ordered the child to complete a total of 120 hours of community service within six months. However, at the appeal stage, the High Court said:

> "This Court finds conflict with the findings of the report that the Respondent's family is stable and functional and that the Respondent's family is able to supervise the Respondent. The acts committed by the Respondent demonstrated the Respondent's mental and emotional capacity to act dangerously towards others, and more importantly, that capacity is evident at a young age. This Court does not believe that by performing community service as recommended by the probation report and living within the comfort of his home, the Respondent's mental and emotional capacity can be mended outside a strict, controlled and disciplined environment".

Thus, the High Court made a decision that the order of the Session Court Judge under section 91(1)(da) is set aside and substituted with an order under section 91(1)(f) of the Child Act 2001. The Respondent is ordered to be sent to the Henry Gurney School until he reaches the age of 21 years.

In the case of *A Child v. Public Prosecutor* (2020) MLJU 1394, the child offender faced two charges, both of which fall under section 411 (dishonestly receiving stolen property) read with section 34 (each of several persons liable for an act done by all, in like manner as if done by him alone), Penal Code, and section 379A (punishment for theft of a motor vehicle) read with section 34, Penal Code. The child pleaded guilty in both cases and the Court For Children made a finding of guilt against the child on both counts and ordered him to be sent to Henry Gurney School under section 91(1)(f) of the Child Act 2001 for 3 years with effect from the date of the order. However, during the appeal, the High Court was of the view that since the offence is non-violent in nature and there is the possibility of rehabilitation, sending the child offender to Henry Gurney School would be a bit too harsh. Thus, the High Court ordered the child offender to be sent to Sekolah Tunas Bakti. What is important is that the decision of the High Court was also based on the probation report, which indicated that rehabilitation in an institution was a better option due to the lack of family supervision. Additionally, the child was somewhat reluctant to attend school and needed to be removed from the negative influence of his peers.

Significance of the Probation Report

The probation report provides the court with essential information for making an appropriate decision. However, the court is not bound by the recommendation of the probation officer. The court can scrutinise the probation report as in the case of *Public Prosecutor v. SAK (the child)* (2021) MLJU 1707, where the court is of the view that the report focuses on the plea of the family rather than the whole spectrum of the case. Although the court is not bound by the recommendation of the probation officer, the probation report for child offenders is of great importance. This is because it provides valuable insights tailored to the child's unique needs and circumstances. It is essential because the principles governing sentencing for child offenders must differ significantly from those applied to adults. The sentencing approach for child offenders must prioritise rehabilitation and addressing the underlying causes of their behaviour, rather than solely focusing on traditional punishment, which is often based on punitive elements. Additionally, as highlighted by the case of *A Child v. Public Prosecutor* (2020) MLJU 1394, the probation report helps to ensure that the court has a comprehensive understanding of the child's background, development, and potential for rehabilitation. This understanding allows for an appropriate and constructive sentencing approach.

In Malaysia, only Social Welfare Officers who are gazetted as probation officers under section 10(3) of the Child Act 2001 are authorised to prepare probation reports. However, given the surge in children engaging in criminal acts, it may be necessary to reassess and potentially revise this provision. The current system, while effective in many respects, may need to be updated to better address the growing complexities and challenges associated with crimes committed by child offenders. This could involve diversifying the qualifications of those permitted to prepare probation reports or enhancing the support and assistance provided to the current probation officers. These changes can improve the outcomes for affected children and effectively mitigate the rise in juvenile delinquency.

As the number of children involved in crime is generally worrying, even though there are years when it slightly decreases, the probation report becomes increasingly crucial. Currently, there may be significant challenges that hinder probation officers from accurately and thoroughly preparing probation reports due to the high number of cases, time constraints (Mohammad & Azman, 2018), and a lack of manpower (Aziz et al., 2023). This shortage of resources can impact the quality and timeliness of the reports, which are essential for making informed decisions about interventions and support for young offenders. It is vital to address these challenges to ensure that probation reports are comprehensive and that the needs of each child are effectively met, ultimately contributing to better outcomes in the juvenile justice system. Because of these reasons, it may be necessary to consider expanding the eligibility criteria for individuals who can be appointed as probation officers. This expansion should go beyond solely focusing on Welfare Officers from the Department of Social Welfare. Broadening the scope to include other qualified professionals could help alleviate the current lack of manpower and enhance the accuracy and effectiveness of probation reports. Moreover, this expansion would bring in a diverse range of expertise and perspectives, ultimately improving the overall approach to juvenile justice and ensuring that all children receive the comprehensive support and assessment they require.

Position in Other Jurisdictions

United Kingdom

In the United Kingdom, the officer responsible for preparing the ‘pre-sentence report’ is a probation services officer for offenders aged 18 or over. For those under 18, it is a social worker from a local authority or a member of a youth offending team (Sentencing Act 2020, s. 31(2)). The ‘pre-sentence report’ is a formal written document that is prepared and submitted to the court by the youth justice service. Its primary objective is to provide the court with valuable information to aid in determining the most suitable outcome for the child (UK Government, n.d.). Pre-sentence reports are intended to assist the sentencing decision process by providing the court with information, advice, and guidance on the convicted person's personal, social, and offending circumstances, as well as the suitability of different sentencing options (Tata et al., 2008). The sentencing process follows the principle of proportionality, meaning the severity of the sentence should correspond to the seriousness of the offence committed (UK Government, n.d.). This includes custodial sentences for young people aged 12 to 17 who commit serious offences or have a pattern of persistent offending. Additionally, the court may also consider factors such as the child's status and vulnerability when reaching a decision on sentencing (UK Government, n.d.). If the offender is under 18 years old, the court is required to obtain and consider a pre-sentence report before sentencing (Sentencing Act 2020, s. 30(3)). This provision is beneficial because it allows other professionals to contribute to the report, resulting in a comprehensive evaluation from multiple perspectives. This is crucial because the report will have a significant impact on the future of the child offender, potentially determining whether they will be rehabilitated or continue to engage in delinquent behaviour. These reports serve as the basis for effective interventions and tailored support that address the specific needs of each child (Gwen Robinson, 2022).

Singapore

In Singapore, the Youth Court gathers various information about a child or a young person's family background, behaviour, home environment, school performance, medical history, and development before deciding on how to handle a case (section 47 (9) of the Children and Young Persons Act 1993). This information is crucial in determining the most appropriate action for the child's welfare. In addition to reviewing reports from probation officers, approved welfare officers, and registered medical

practitioners, the court may also question the child or young person based on this information. The Youth Court has the discretion to consider evaluations from any individual it deems appropriate, as stipulated in Section 47(10) of the Children and Young Persons Act 1993.

A similar provision is outlined in section 27(1) of the Family Justice Act 2014. This section states that in any proceedings before the Family Court regarding the custody or welfare of a child or involving an individual, the court has the authority to appoint a registered medical practitioner, psychologist, counsellor, social worker, or mental health professional. This appointment is made for the purpose of examining and assessing the child or individual as necessary to prepare expert evidence to be used in the proceedings. This was also explained in the case of *UNB v. Child Protector* (2018) SGHCF 10, where the court addressed the application of section 27(1) of the Family Justice Act 2014. In this case, the court clarified how the provision applies by emphasising the role of appointed experts. These experts are responsible for providing comprehensive assessments and expert evidence to assist in making decisions about the custody or welfare of a child, or regarding the needs of an individual involved in the proceedings. In this case, it was decided that the court may also seek updated independent assessments regarding the children, including a Custody Evaluation Report, Access Evaluation Report, and reports addressing specific child-related issues, with support from qualified professionals in relevant fields.Additionally, the court has the authority to appoint assessors in accordance with sections 27 and 28 of the Family Justice Act 2014. These assessors may consist of a registered medical practitioner, psychologist, counsellor, social worker, or mental health professional, tasked with evaluating the child to provide expert evidence for the proceedings.

In this regard, Malaysia has a similar provision, although with some distinctions. Section 90(13)(b) of the Child Act 2001 states that a probation report must be prepared by a probation officer. This report may also include written assessments from a Social Welfare Officer, a registered medical practitioner, or any other individual the court deems appropriate for evaluating the child. However, section 90(12) of the Child Act 2001 requires the court to consider the probation report before making any decisions about the child. This requirement is strict and mandatory, ensuring that the probation report serves as a critical component in the court's decision-making process. Conversely, section 90(13)(b) of the Child Act 2001 is more flexible and not obligatory, allowing the court to include additional written reports from various professionals as deemed suitable. Therefore, it is argued that expanding the scope of who can serve as a probation officer to include professionals such as psychologists, counsellors, or social workers could be beneficial. This broader inclusion would ensure that the probation report is more comprehensive, offering a more nuanced understanding of the child's circumstances. Such a diverse range of expertise would ultimately assist the court in making decisions that more accurately reflect the child's best interest principle.

Discussion

The cases examined in this study clearly show that the court gives considerable importance to the probation report. Similarly, in the United Kingdom and Singapore, the probation report (referred to as the pre-sentencing report in the UK) plays a crucial role in aiding the court's decisions on suitable sentences for young offenders involved in crimes. This is understandable, as making an appropriate order is not a straightforward task. The court must consider various inputs and, ultimately, achieve a harmonious balance in safeguarding the child's welfare and society's expectations of justice. This detailed information from the probation report ensures that the magistrate can consider all relevant factors and make a judgement that is in the best interests of the child and aligns with the concept of rehabilitating young offenders. This was explained in the case of *Pendakwaraya v. KM [A Child] and Anor* (2009) MLJU 1672, when the court considered various aspects before making an order. According to Justice Abang Iskandar:

> "I have been looking at the array of possible options open to me under section 91[1][h] of the said 2001 Act before deciding on the most appropriate order as envisaged under the said 2001 Act. Having done that, in the light of the circumstances pertaining to the commission of the three offences and having regard to the circumstances surrounding the child himself and having regard to his counsel's plea and the Probation Officer's reports

> [P30.P31 and P32], I have narrowed down those options to those enumerated under subsections [1][f] and [1][h] of Section 91 of the said 2001 Act".

However, the court is not bound to follow the recommendations in the probation report. The interpretation of facts may differ between the probation officer, court advisers, and the magistrate. This is evident from the cases discussed in this article.

Only with detailed information about the child offender can the court issue an order that appropriately fits their circumstances. This is because even institutional rehabilitation centres have specific criteria for admitting child offenders. Not all child offenders who require rehabilitation are suited for placement in institutions such as Sekolah Tunas Bakti, Henry Gurney School, or prisons. Sending a child to an inappropriate facility could hinder their rehabilitation process. Therefore, before making any orders, the court must consider and utilise the probation report provided by the probation officer, and the court should provide reasons when it chooses not to follow the probation officer's recommendations. It is to be highlighted that in all cases discussed in this article, the court did provide their reasons for not following the recommendation.

The probation report is a vital document providing a detailed look into the offender's personal history, psychological condition, and social environment. By analysing these factors, the report allows for the development of more personalised and effective sentencing and rehabilitation strategies. Specifically, the report explores various aspects of the offender's life, such as their family background, education, employment history, and past criminal behaviour. It also evaluates their mental health and substance abuse issues. Additionally, the probation report gives the court comprehensive information about the offender's behaviour patterns, personal circumstances, and social influences, which have been considered and discussed in numerous cases, such as the case of *Ong Ah Thoo v. Rex* (1949) 1 MLJ 36, *Pendakwa Raya v. KM (A Child) and Anor* (2009) MLJU 1672, and the case of *MNZMN v. Public Prosecutor and other appeals* (2023) MLJU 1099. Understanding these elements helps to tailor interventions and support measures that address the specific needs and risks of the offender. By incorporating this detailed information, the court can ensure fair outcomes that promote both justice and the offender's reintegration into society. Thus, it can be concluded that the order made is in accordance with the need to rehabilitate child offenders.

As previously discussed, the Child Act 2001 limits the preparation of probation reports to probation officers, who are essentially social welfare officers with a specialised designation. This restriction becomes more significant when considering the current statistics, which show a substantial number of children involved in criminal activities. Given this, it may be wise to reconsider the decision to restrict this role solely to social welfare officers. In contrast, other countries, like the United Kingdom, allow probation reports to be prepared by a range of qualified professionals, including psychologists and accredited social workers. Expanding the pool of individuals who can prepare these reports could help address the issue of insufficient manpower and the shortage of probation officers. Probation reports must be meticulously prepared to ensure that the recommendations provided to the court align with the principles of rehabilitating juvenile offenders, leading to more effective and supportive interventions.

Conclusion

We must acknowledge that the number of children in conflict with the law is generally worrying, even though there are years when it slightly decreases. This is due to the fact that they can commit various types of offences typically associated with adult offenders. While we believe that children are best rehabilitated by their families or communities, this is not always the case. In some instances, institutional rehabilitation is necessary. The Child Act 2001 provides a long list of orders that the Court For Children can issue upon a finding of guilt. However, determining the best option for a particular child offender is not an easy task for the Court, as it requires additional information or a complete diagnosis to make a suitable order. A comprehensive probation report ensures that each order is based on the individual child's needs and assessment, enabling the magistrate to issue a more effective order. Ultimately, we aim to reduce recidivism and provide the child with the opportunity to become a valuable member of society. Thus, we stand by our recommendation that, in order to assist the Court, it is timely to rope in those with various expertise and backgrounds as probation officers to support the Court in making a decision that

emphasises the child's best interests. This will ensure that the principle of 'the best interest of the child' is upheld. By focusing on the child's needs and circumstances during their recovery process, it will create a more tailored and effective approach.

References

Akram, M. (2007). Non-custodial treatment of offenders: The Malaysian approach. *IIUM Law Journal, 15*(1), 25-42. https://doi.org/10.31436/iiumlj.v15i1.58

Anggelina, A. (2024). The Role of Probation Officer in Handling Children in Conflict with the Law Under the Age of 12 at the Class I Correctional Center in Palembang, South Sumatra. *KnE Social Sciences, 9*(17), 364–373. https://doi.org/10.18502/kss.v9i18.16364

Aziz, N. A., Hamzah, L. M., Mustafa, S. M. S., & Alias, N. F. (2023). Juvenile delinquency among Malaysian adolescents: Probation officers' accounts on driving factors and curbing strategies. *International Journal of Academic Research in Progressive Education and Development, 12*(3), 1649-1659.

Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal, 9*(2), 27–40.

Creswell, J. W., & Creswell, J. D. (2018). The selection of a research approach. In *Research design: Qualitative, quantitative, and mixed methods approaches*. Sage Publications.

Department of Social Welfare. (2019). *"Statistics report 2019".* Department of Social Welfare, https://www.jkm.gov.my/uploads/content-downloads/file_20241025161551.pdf

Department of Social Welfare. (2020). *"Statistics report 2020".* Department of Social Welfare, https://www.jkm.gov.my/uploads/content-downloads/file_20241025161252.pdf

Department of Social Welfare. (2021). *"Statistics report 2021".* Department of Social Welfare, https://www.jkm.gov.my/uploads/content-downloads/file_20241025154745.pdf

Department of Social Welfare. (2022). *"Statistics report 2022".* Department of Social Welfare, https://www.jkm.gov.my/jkm/uploads/files/Bahagian%20Kawalan%20Standard/Laporan%20Statistik%202022.pdf

Ferdousi, N., & Abdullah, R. (2024). Child protection and juvenile justice: Legal issues in Bangladesh and Malaysia. *UUM Journal of Legal Studies, 15*(2), 529-557.

Lew, T. L., Abd Rahman Shah, H., & Ahmad, N. M. (2025). Legal framework and enforcement strategies in combating human trafficking in Malaysia. *LexForensica: Forensic Justice and Socio-Legal Research Journal, 2*(1), 72-83.

Md Eusofe, N. E. N., Yusoff, J. Z. M., & Thambapillay, S. (2023). Role and functions of the court advisers of the Court For Children in Malaysia: Lessons learnt from selected jurisdictions. *The Malaysian Journal of Social Administration, 17*(1), 96-118.https://doi.org/10.22452/17/96.118

Ministry of Social and Family Development. (2024). *"Factsheet on youth delinquency"*. Ministry of Social and Family Development. https://www.msf.gov.sg/docs/default-source/ncpr/factsheet-on-youth-delinquency2fa97cee-baa3-401c-a986-71eb8871bb0b.pdf?sfvrsn=f3f45658_5

Mohammad, T., & Azman, A. (2018). Probation officers and the experience of juvenile offenders in the juvenile system. Kajian Malaysia, *36*(2), 69–88. https://doi.org/10.21315/km2018.36.2.4

Rahman, M. S. (2017). The advantages and disadvantages of using qualitative and quantitative approaches and methods in language testing and assessment research: A literature review. *Journal of Education and Learning, 6*(1), 102-112. https://doi.org/10.5539/jel.v6n1p102

Randawar, D. K., Ikhsan, M. I., & Monil, F. (2022). Sentencing child offenders in Malaysia: When practice meets its purpose. *International Journal of Academic Research in Business and Social Sciences, 12*(7), 1226–1236.

Robinson, G. (2022). *Pre-Sentence Reports: A review of policy, practice and research*. Sentencing Academy.

Rosli, Z. (2021). An observation on 'basikal lajak' kids. *Malayan Law Journal, 2*, 193-199.

Samuri, M. A. A., Kusrin, Z. M., Awal, N. A. M., Mohd Nor, A. H. B., Hanin Hamjah, S. B., & Ab Rahman, Z. B. (2013). The rehabilitation theory in adjudicating child offenders and its application in Malaysia. *Asian Social Science, 9*(15), 156-165.

Tata, C., Burns, N., Halliday, S., Hutton, N., & McNeill, F. (2008). Assisting and advising the sentencing decision process: The pursuit of 'quality' in pre-sentence reports. *The British Journal of Criminology, 48*(6), 835–855. https://doi.org/10.1093/bjc/azn056

The Lord Burnett of Maldon. (2020, December 9). "*Sentencing: The judge's role*". Judiciary of England and Wales. https://www.judiciary.uk/wp-content/uploads/2020/12/LCJ-Sentencing-The-Judges-Role-UCL-speech-9-December-2020-f.pdf

UK Government. (n.d.). "*How to use reports"*. UK Government. https://www.gov.uk/guidance/case-management-guidance/how-to-use-reports

UK Parliament. (n.d.). "*Children and young people and the criminal justice system"*. https://post.parliament.uk/children-and-young-people-and-the-criminal-justice-system/#:~:text=The%20pandemic%20saw%20falls%20in,or%20criminal%20damage.%5B5%5D

Villarante, A. J. (2005). A comparative study of juvenile justice systems in Japan and Malaysia: A review of policies, approaches, and strategies. In *Economic prospects, cultural encounters, and political decisions: Scenes in a moving Asia (East and Southeast)*. The Nippon Foundation. https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=69bb7e575545b84a3e3ff88fae7f5e5714f78517#page=121