

## Parental Liability Law in Malaysia for Children's Misconduct: A Legal Overview

Muhammad Izwan Ikhsan<sup>1</sup>, Daleleer Kaur Randawar<sup>2</sup>, Ahmad Ridhwan Abd Rani<sup>3</sup>, Syuhaeda Aeni Mat Ali<sup>4</sup> and Shirin Shubashini Ramaiah<sup>5</sup>

### Abstract

*This article explores into the evolving landscape of parental liability law in Malaysia by examining its foundations in criminal law, torts, and the Child Act 2001. It also draws comparisons with the United States to shed light on the potential prospects for reform in Malaysia. By analysing the Malaysian legal framework, which includes provisions from the Penal Code, Child Act 2001, other statutes, and Islamic jurisprudence, the article uncovers the existing contours of parental liability and highlights areas where clarity and refinement are needed. The study emphasises the need for a balanced approach that holds parents accountable for their children's actions without imposing unjust or excessive penalties. Drawing from the comparative analysis with the United States and Islamic viewpoints, where parental liability laws vary across states, the article showcases the diverse approaches taken to address similar issues. Lessons learned from the U.S. experience offer valuable insights for Malaysia as it seeks to modernise and adapt its parental liability laws to contemporary family dynamics and societal challenges.*

**Keywords:** Parental Liability, Juvenile Crimes, Children, Criminal Liability, Torts

## INTRODUCTION

Effective parenting and discipline play a crucial role in shaping children's self-control, overall life satisfaction, academic success, alcohol consumption, aggression, and oppositional behaviour (Marchese, 2018). Parents play a pivotal role in the comprehensive development and education of their children. They are responsible for overseeing both the physical and intellectual growth of their children until they become independent and are prepared to confront the challenges in the society, they live in (Ceka & Murati, 2016). The concept of parental responsibility, as delineated by the law, encompasses two primary dimensions. Firstly, parents are obligated to conduct themselves in a manner that reflects a sense of duty and responsibility towards their children. This implies a commitment to providing care, guidance, and support to ensure the well-being and development of their children (Eekelaar, 1991). Secondly, the legal framework asserts that the duty of childcare primarily rests with parents rather than the State. This underscores the idea that parents are entrusted with the primary role in nurturing and safeguarding their children, emphasising the family unit as the fundamental locus of responsibility for the upbringing and welfare of the child. The dual nature of parental responsibility, therefore, combines a behavioural aspect requiring parental diligence and a structural aspect emphasising the familial role in childcare, distinguishing it from the responsibilities of the broader societal institutions (Eekelaar, 1991).

Nevertheless, the traditional depiction of parents as the "building blocks" of sustainable communities and the primary conveyors of positive values to their children has encountered challenges (Susilo, 2020). This is evident in the explicit efforts made by the government to intervene through the implementation of laws and policies aimed at both controlling and safeguarding the well-being of children (Rodham, 1973). The intervention of the government reflects a recognition that parental responsibility alone may not be sufficient in ensuring the optimal development and protection of children (Frost, 2005). Factors such as child welfare, safety, and access to education have prompted legislative and policy initiatives to establish a legal framework for parental conduct. This shift suggests a shared responsibility between parents and the government in fostering an environment conducive to the healthy upbringing of children, acknowledging the need for external measures to complement

<sup>1</sup> Faculty of Law, Universiti Teknologi MARA, Sabah Branch, Kota Kinabalu Campus. E-mail: [izwanikhsan@uitm.edu.my](mailto:izwanikhsan@uitm.edu.my)

<sup>2</sup> Faculty of Law, Universiti Teknologi MARA, Shah Alam, Selangor. E-mail: [dolly@uitm.edu.my](mailto:dolly@uitm.edu.my)

<sup>3</sup> Faculty of Law, Universiti Teknologi MARA, Shah Alam, Selangor. Email: [ridhwanrani@uitm.edu.my](mailto:ridhwanrani@uitm.edu.my)

<sup>4</sup> Faculty of Law, Universiti Teknologi MARA, Shah Alam, Selangor. Email: [syuha497@uitm.edu.my](mailto:syuha497@uitm.edu.my)

<sup>5</sup> Shirin & Co., Mantin, Negeri Sembilan. [shirin\\_shubashini@yahoo.com](mailto:shirin_shubashini@yahoo.com)

parental roles. In essence, the evolving landscape highlights a nuanced interplay between parental autonomy and governmental intervention, challenging the traditional narrative of parents as the exclusive architects of their children's values and sustainable community building (Gillies, 2008).

Parental liability law refers to the legal liability of the parents or guardians for their negligence in failing to control their children's delinquent acts (Dimitris, 1997-1998). At common law, the parent-child relationship in itself does not establish liability on the part of the parents to be held liable for the harmful acts committed by the children unless it can be proven that the parent's negligence is the proximate cause of the injury (JD & JLR, 1958). In order to impute parental duty, it is necessary to demonstrate that parents are aware or have reason to be aware of their capability to supervise their underage children. Additionally, they must be aware or should be aware of the necessity and opportunity to exert control over their children (Skaare, 2000). In essence, the civil law allows for compensation claims against parents for harm caused by their children's wrongful acts. This may include instances where the child is acting as the representative of the parent, engages in a tort while under an employment arrangement with the parent, or when the parent's negligence in supervising the child directly leads to the harm or damage. Additionally, liability may arise when parents entrust hazardous tools or instruments to their children (Freer, 1964). Apart from tort, parental liability law also includes the criminal accountability of parents who either promote misbehaviour in their children or neglect to supervise them, leading to the creation of individuals who do not adhere to the law (Van, 2018).

The article conducts a thorough analysis of the concept of parental liability concerning juvenile delinquency, exploring its dimensions within the frameworks of criminal law, the Child Act 2001 (Act 611), tort law, and Shariah law. By scrutinising these legal perspectives, the article aims to provide a comprehensive understanding of the responsibilities and repercussions imposed on parents in cases of their children's involvement in delinquent behaviour. Through an in-depth examination of relevant statutes and legal principles, the article seeks to shed light on the intricate interplay between parental accountability and the legal systems designed to address juvenile delinquency. This exploration contributes to a comprehension of the multifaceted nature of parental liability across different legal contexts and facilitates a more informed discussion on the subject. This article endeavours to address the fundamental question of whether parents ought to be attributed with responsibility for the delinquent and wrongful actions of their children.

## **METHODOLOGY**

The current trend in mainstream research on juvenile delinquency and crimes often highlight the adequacy of the current criminal justice framework in dealing with the problem. Filling a gap in the literature and analysing the need for parental liability law in Malaysia is the focus of this study. Doctrinal legal research is conducted whereby reference to statutory provisions, case laws, and secondary materials such as journal articles, theses, textbooks, conference papers, and newspaper articles are made. Comparative benchmarking with the parental liability law framework in the United States is also conducted.

## **CRIMINAL LIABILITY OF CHILDREN**

### **Children's Personal Criminal Liability**

Broadly speaking, the commission of a crime necessitates both *actus reus*, encompassing either an action or a failure to act, and *mens rea*, which pertains to the mental component, specifically the criminal intent of the perpetrator (Lee, 2010). This concept is rooted in the legal maxim "*actus non facit reum, nisi mens sit rea*", which signifies that an individual's actions cannot be considered a crime, subjecting them to punishment, unless there is a prescribed state of mind accompanying their behaviour (Chan, 2000). Criminal liability is imposed on an individual when they bring about an event prohibited by law with the intent to carry out the act or omission prohibited by law (Lippman, 2006). The person is held personally accountable for their actions or omissions, and as a result, criminal law sanctions only the individual responsible for the unlawful behaviour (Erman, 2023).

As evidenced in *Chung Shin Kian & Anor v PP* (1980) 2 MLJ 2 46, the High Court ruled that, as the second accused was not present during the authority's raid and no evidence directly linked him to the offence except for his partnership in the shop, his conviction was overturned. This instance highlights the principle that

individual responsibility is ascribed only to the accused under criminal law. Similarly, in the case of *PP v Dawn Shireen Lee Chao Chern* [2022] MLJU 1029, the High Court noted that for a business partner to be implicated in an offence of criminal breach of trust committed by another partner, there must be proof that the partner was involved in the decisions leading to the withdrawal of funds and their misappropriation. In the absence of such evidence, a dishonest intention cannot be attributed as criminal liability is inherently personal in nature.

As regards to children's criminal liability, in accordance with Section 2(1) of the Child Act 2001 (Act 611), the term 'child' denotes an individual below the age of eighteen. Specifically in the context of criminal proceedings, as outlined in Section 82 of the Penal Code (Act 574), a 'child' is defined as someone who has reached the age of criminal responsibility. Notably, Section 82 explicitly states that actions performed by a child under the age of ten do not constitute offences. It is imperative to interpret this provision in conjunction with Section 83 of the Penal Code, which stipulates that actions of a child aged above ten but below twelve may not be deemed offences if the child lacks the requisite maturity to comprehend the nature and consequences of their conduct on the specified occasion. The establishment of age criteria for criminal liability aims to guarantee that children held accountable for criminal actions possess the cognitive capacity to distinguish between right and wrong, as well as understand the legal repercussions of their conduct (Mohammad et al., 2017).

The principle of "sufficient maturity and understanding" is exemplified in the Indian case of *Ulla Mahapatra v The King* AIR1950 ORI 261. In this case, the appellant, a boy about the age of twelve, was convicted for an offence of murder under section 302 of the Penal Code, for causing the death of another boy, Ranka Naik. As per the medical expert's testimony, the lethal injury resulted from a forceful blow with a weapon, the fatal wound was a result of a violent blow with the weapon and not merely the result of its fall from a height. The dead body was found at a distance of about 40 feet from the tree. The deceased received the injury when he was at a distance of about 36 feet from the foot of the tree; after receiving the injury, it is said, he moved to a distance of 12 feet. The fact that the appellant advanced to the deceased while holding a knife and uttered a threatening gesture "I will cut you to bits" amplified that he had sufficient understanding to judge the consequences of his acts.

In another Indian case of *Abdul Sattar v Crown* AIR (1949) Lahore 51, a group of 12-year-old boys forcibly opened a shop's locks and stole some goods. In convicting them, the court determined that the accused were cognisant of their actions, and the method of breaking into the shop indicated an intention to steal. In the Malaysian case of *PP v Lim Ab Leng* [1967] 1 MLJ 284. The court determined that, considering section 83 of the Penal Code, the respondent lacked sufficient maturity during the commission of the earlier theft offence when he was ten years old. As a result, he had been sent to an approved school for three years for that particular offence. The court decided to decrease the Magistrate's initial decision to increase the sentence from two years of imprisonment to just one year, and also set aside the fine and police supervision order. Based on the judgments in the above cases, if a child demonstrates maturity in comprehending the repercussions of committing an offence, they can be held accountable for that wrongdoing. The extent of their mental capacity to understand the serious nature and consequences of their acts become the determining factor of their culpability.

### **Shared Criminal Liability**

While criminal liability is generally personal in nature, including those committed by children, there are three scenarios in which criminal liability can be attributed collectively. These include abetment, criminal conspiracy, and offences executed in pursuit of common intention or object. As for abetment, the law also criminalises the abettor, because in some instances, crimes would not have happened without the stimulation of another person. Abetment in the Penal Code requires active complicity by the abettor before the actual commission of the offence. The essence of abetment is that the abettor substantially aids the principal culprit in committing the offence. Mere concurrence in another's criminal acts without active participation leading to the criminal act is not punishable under the Code. Mere negligence does not constitute abetment too (Ranchhoddas & Thakker, 1997). Under section 107 of the Penal Code, abetment may occur in four ways: instigating an offence, wilful assistance in the commission of a crime, participating in the conspiracy in the commission of an offence, or by command.

In *PP v Datuk Tan Cheng Swee & Ors* [1979] 1 MLJ 166, abetment by instigation means that the abettor actively suggests, motivates, or advises the offender to commit a crime. If the advice is intended to actively suggest or stimulate the principal offence, it is equivalent to an abetment. The abettor must also know all the facts that constitute the principal offence. As for abetment by wilful assistance, it occurs if a person intentionally aids another person by an act or illegal omission. In *Rejab bin Lebai Man & Ors v PP* [2001] 4 MLJ 106, the High Court highlighted that the essence of abetment by aiding is that the abettor must substantially assist the principal offender towards the commission of the offence. Furthermore, the assistance is rendered voluntarily with the knowledge that it helps facilitate the commission of the crime. Abetment by command refers to a situation where a person abets the doing of a thing if he commands any person to do that thing. According to Explanation 3 to section 107, whoever masterminds the doing of an act is said to command the doing of that act. For example, the Illustration to Explanation 3 provides that when A, the head of an organised criminal group B, masterminds C and D to kidnap, A is guilty of abetment.

On the other hand, for abetment by conspiracy, the prosecution must prove that there is an agreement to commit an offence or effect some illegal purposes, as observed by the Federal Court in *Datuk Haji Harun Haji Idris & Ors v PP* [1978] 1 MLJ 240. Abetment by conspiracy under section 107(b) requires an agreement to commit an offence and the commission of the offence. The agreement alone is not sufficient to attract criminal liability. In contrast, the offences of criminal conspiracy under sections 120A and 120B of the Penal Code require the prosecution to prove that mere agreement to commit a crime or an illegal act is sufficient. In *NMMY Momin* [1971] Cr LJ 793, the Court held that mere agreement to carry out an unlawful action made out the offence of criminal conspiracy even if no step is taken to carry out the agreement.

Another situation where group liability may be invoked is the commission of the offence in furtherance of common intention or common object. On "common intention", section 34 of the Penal Code provides that when a criminal act is done by several persons, in furtherance of the common intention of all, everyone is liable as if he commits the crime. This section makes a person liable for an offence not committed by him but by another person with whom he shared a common intention. Gang rape under section 375B is an example of an offence with common intention. The Explanation to s 375B clearly reads, "where a woman is raped by one or more in a group of persons acting in furtherance of their common intention; each person shall be deemed to have committed gang rape." In *PP v Kamarulariffin bin Abdullah* [2009] MLJU 765, the three accused were found guilty of gang rape of a 17-year-old girl. The High Court observed that the entire incident demonstrates the perverted mindset of some modern-day teenagers who no longer appear to have the correct principles. Date rape and gang rape appear to be rather widespread among young girls these days. Such heinous acts like the one in that case should be appropriately punished in the public interest to dissuade young men from committing similar offences in the future.

On the other hand, certain crimes are committed by the concerted action of several persons with a common object or purpose. One example is the offence of unlawful assembly under section 141 of the Penal Code, which attracts group liability if the prosecution can prove the common object of the assembly to use criminal force against the government or public servants, to resist legal process, to commit offences, to take possession of another person's property, or to compel a person to do or omit to do anything. In *Ong Chin Seng & Anor v Regina* [1960] 1 MLJ 34, the appellants (the 1st and 4th accused respectively, the 2nd and 3rd being acquitted) were charged with an offence under section 149 of the Penal Code in that they, while being members of an unlawful assembly whose common object was to cause hurt by dangerous weapons, caused the death of one Ong Hock Soon. In convicting the appellants, the court held that there was ample evidence on the record to prove what the common object of the assembly was.

Therefore, under general criminal liability, a person shall not be liable for the criminal act committed by others, except if he abets the commission of the offence, conspires for the commission of the crime, or participates in the offence in furtherance of common intention or for a common purpose. Otherwise, only the perpetrator can be found liable for his crime. This raises a question as to whether parents shall be responsible for the criminal acts committed by their children. There are a few legal provisions that tacitly impose liability of parents towards children. For example, section 317 of the Penal Code provides that it is an offence to expose or

abandon a child under 12 years in any place with the intention to abandon him altogether. This offence is punishable with imprisonment for a term which may extend to seven years or with fine or with both. The High Court in *PP v Norhayati Hashim & Anor* [2020] 10 CLJ 246 explained the rationale of section 317. The Court observed that the person caring for a child, be it a mother, father or a third party, has a duty to protect a child who is helpless and vulnerable from peril, including protection from abandonment. Such duty, when breached, amounts to an offence under section 317 of the Penal Code and the younger the child, the greater the gravity of the offence. The seriousness and rampancy of abandonment of children call for an adequate and proportionate sentence to not only teach such offenders a lesson but also to reflect the public's abhorrence of such acts and to deter them from committing the same inhumane act.

Besides, for traffic-related offences, it is a common practice to initiate legal proceedings against the parents or guardians, even though such a provision is not explicitly outlined in the section. Section 39(5) of the Road Transport Act 1987 provides that any person who permits any underage person to drive a motor vehicle shall be guilty of an offence. On conviction, the individual shall be liable to a fine not exceeding RM2,000 or to imprisonment for a term not exceeding six months or to both. Although section 39(5) is not exclusive to parents, the common instances of parents or guardians permitting their underage children to drive or ride a motorcycle without a licence made them liable under the section (The Star, 2015). According to the Road Transport Department, between January and May 2022, 55,000 vehicle owners were found to have allowed unlicensed individuals to drive their vehicles. Most were family members, especially parents who let their children, including minors, drive without a licence. (Bernama, 2022). In *Siti Rohani Mohd Shah & Ors v Hj Zainal Hj Saifjee & Anor* [2001] 1 CLJ 498, the court acknowledged that the law does not sanction a person without a valid licence to be riding or driving a vehicle on the road by virtue of section 26 and 39 of the Road Transport Act 1987. Similarly, in *Muhammad Noor Redzuan Misran v Muhammad Amirul Hafiz Khairulazuin* [2020] 5 CLJ 807, the court held that full responsibility should be assigned to a road user engaged in a traffic incident while operating a motor vehicle without a valid licence. Section 26(1) of the Road Transport Act 1987 explicitly forbids driving a motor vehicle without a valid licence. Engaging in driving or riding without a valid licence constitutes a violation of the law, and it reasonably implies that such a road user should not be entitled to any legal protection.

## **PARENTAL LIABILITY LAW**

### **Parental Liability under Child Act 2001**

The Child Act 2001 [Act 611] contains various provisions that incorporate parental responsibility elements. The Preamble of Act 611 reads that it is “an Act to consolidate and amend the laws relating to the care, protection and rehabilitation of children and to provide for matters connected therewith and incidental thereto.” The Preamble further states that it acknowledges the role and responsibility of the family in society in the care, support, rehabilitation, and development of children in society. Section 31 prohibits ill-treatment, abuse, neglect, abandonment, exposure, and negligence toward children. The offence is punishable with a fine not exceeding RM50,000 or imprisonment not exceeding 20 years or both. Neglect includes failure to provide adequate food, clothing, medical treatment, lodging and care for the child.

As regards child abuse, in *Pendakwa Raya v Asmarani bt Gbazali* [2019] MLJU 1719, the Court of Appeal underscored that the intention of the introduction of the Child Act 2001 must be given paramount importance in determining the appropriate sentence for child abuse under section 31. According to the court, the term “abuse” refers to the infringement of an individual's human and civil rights by any other party. Meanwhile, “child abuse” encompasses any intentional or negligent action by a parent, guardian, or any other individual that could jeopardise or compromise the child's physical or emotional welfare. Such actions are determined to be inappropriate based on a combination of societal norms and professional assessments. The Court of Appeal substituted 18-months jail sentence imposed by the High Court with ten years, as the accused pleaded guilty that she put green chilli in the baby's mouth, which caused his death. In *Noor Amie bt Abd Rahman lwn Pendakwa Raya* [2021] 8 MLJ 175, a mother was sentenced to five-year imprisonment for physically abusing her eight-year-old child, which caused bodily injury and psychological trauma to the victim. The court observed that from

the photos tendered to the court, the injury suffered by the victim was severe. The respondent has lost the instinct of responsibility, love, and compassion as a mother.

On the other hand, child neglect involves failing to provide care or engaging in behaviours that pose a risk to a child's health and welfare (Mohd Yusoff & Thamapillay, 2007). In *Mubammad Syakir Khan bin Melok Khan lwn Pendakwa Raya* [2019] MLJU 833, a van driver was found guilty of neglecting and acting negligently toward a child by causing him to be confined in a Toyota Hiace type motor van until causing his death. In *Pendakwa Raya lwn Zainubar bt Che Kar* [2022] MLJU 1262, the respondent was found guilty, fined RM8,000 and imprisoned for 36 months. The court was satisfied that her neglect and negligence in caring for a child in a childcare centre caused the baby's death due to his neck being entangled to the swing's rope. The court also highlighted that although there may be no malice, as argued by the respondent, negligence or neglect that causes the death of a child being cared for is a serious offence. The sentence must send a message to the respondent, the families of child victims, would-be offenders, law enforcement agencies and the public. The respondent should exercise due care to ensure a safe situation and anticipate danger by frequently visiting, observing, and supervising children in their care, especially a 14-month-old baby. It is important to highlight that in both instances, the individuals involved were not parents or guardians, but rather a school van driver and a childcare provider. The scarcity of instances where parents are prosecuted for child neglect might stem from the reluctance of authorities to impose harsh penalties on parents. This hesitancy often arises when parents, constrained by their life circumstances, find themselves compelled to leave their children unattended at home while they work, primarily because they cannot bear the expenses of childcare services. Typically, issues of child neglect are attributed to financial constraints and the lack of affordable and accessible childcare options (The Star, 2023).

Furthermore, under section 32, engaging children in begging or involving them in illicit activities such as unauthorised hawking, lotteries, or gambling is explicitly forbidden. Violation of this provision carries penalties, including a fine up to RM20,000, imprisonment for a maximum of five years, or a combination of both. As per section 17(1)(k), a child is deemed to require care and protection if found on any street, premises, or location for the following reasons:

- (i) Begging or soliciting alms, regardless of whether there is any pretence of singing, playing, performing, or selling items.
- (ii) Engaging in prohibited activities such as unlawful hawking, illicit lotteries, gambling, or other activities that pose a threat to the child's well-being.
- (iii) Involvement in any other unlawful activities.

While the Child Act 2001 establishes a robust framework to ensure the protection and well-being of children, specifically guarding against their exploitation, particularly in cases of begging, by syndicates or adults (Rosli, 2021), the absence of comprehensive data on child beggars in Malaysia to date complicates the identification of such cases and hampers efforts to eradicate poverty (Abdullah & Ab Rahman, 2023).

By virtue of section 33, it is an offence when a parent or guardian leaves a child without reasonable supervision. The punishment for this offence is a fine not exceeding RM20,000 or imprisonment not exceeding five years or both. There are three elements for this offence namely:

- (i) without making reasonable provision for the supervision and care of the child;
- (ii) or a period which is unreasonable having regard to all the circumstances; or
- (iii) under conditions which are unreasonable having regard to all the circumstances.

For instance, it was reported in November 2023 that police had arrested the parents of four siblings who were found abandoned at the Perak Tengah Administrative Complex, in Kampung Gajah (Bernama, 2023). Following that, in December 2023, it was reported that the father pleaded guilty for abandoning the children, and the Magistrate scheduled the sentencing for 6 February 2024, providing the accused with time to engage legal representation (Bernama, 2023b).

The question arises as to whether parents can be held accountable under section 33 if their children engage in truancy, loitering, idling away their time, or participate in unlawful activities like street racing (*rempit*). In the incident involving the mosquito bike (*basikal lajak*) in Johor in 2017, where children were hit by a car resulting in casualties, one of the raised concerns was the negligence and absence of parental supervision, given that the children were permitted to ride their bicycles late at night (Rosli, 2021). In response to the incident, the Malaysian Institute of Road Safety Research (MIROS) advises (Wapcar, 2022). Nonetheless, Malaysia currently lacks specific laws or regulations governing bicycle use on roads. It is recommended that the legislative framework used for underage driving be applied to situations involving mosquito bikes (Bernama, 2019). Furthermore, the aspect of parental accountability is encapsulated in section 28 of the Child Act 2001. This section mandates that if a family member suspects a child is suffering physical or emotional harm due to mistreatment, neglect, abandonment, or exposure, they must promptly notify a social welfare officer. Failure to report such incidents constitutes a violation that can result in penalties, including a fine not exceeding RM2,000, imprisonment for up to two years, or both. Section 28 explicitly requires family members to fulfil their duty to report any instances of child abuse, neglect, abandonment, or exposure. In the case of *Malcolm Fernandez v Melissa Marie Albert* [2018] 1 LNS 1092, the High Court determined that the wife was not prohibited from filing police reports if she suspected the child was physically or emotionally harmed due to mistreatment or neglect. It was affirmed that she is legally obligated to take such action under Section 28 of the Child Act 2001. In the case of *M v M* [2020] 1 LNS 1723, the court ruled that under Section 28(1) of the Child Act 2001, RH, being a family member of the child, was duty-bound to report to a Protector if there was a "belief on reasonable grounds" that the child had suffered sexual abuse. The court found that the details of the sexual acts disclosed by the child to RH provided sufficient grounds to reasonably conclude that the child had been a victim of sexual abuse. These two cases exemplify the responsibility of family members to alert authorities in cases of child abuse.

The concept of parental responsibility becomes more evident when considering the various orders that the Court can issue under the Child Act 2001. For instance, Section 93 provides the Court with the power to instruct a parent or guardian to sign a good behaviour bond for the child, with or without requiring security. Furthermore, the court can impose stipulations that oblige the aforementioned parent or guardian to regularly update the welfare department or a police station about the child's situation. Additionally, parents may also be obligated to accompany the child to alternative workshops. If the child is enrolled in an educational institution, this section also mandates consultations with the principal or teacher if necessary. If the child is detained in an approved or Henry Gurney School, the court may order the parent or guardian to visit him on a regular basis. For example, in the case of *Re Johari bin Ramli* [1956] 1 MLJ 56, the two accused were found guilty of possessing burglary tools as per section 28(1)(ii) of the Minor Offences Ordinance 1955. The presiding Magistrate sentenced them to ten years in prison, leading to an application for revision of the sentence. The court replaced the prison sentence with a bond of good behaviour amounting to RM500 for one year, under the supervision of the Probation Officer of Penang. The court noted that while there are situations where short prison terms are necessary, it is important to consider that repeatedly imposing brief imprisonments often fails to rehabilitate offenders and can even lead to them becoming habitual criminals.

Similarly, parents and guardians are entrusted with a comparable duty when the court issues a "child beyond control" order. Typically, children who fall under the category of "children beyond control" are those who exhibit traits of being unmanageable, unruly, disobedient, wild, non-compliant, or undisciplined. As outlined in section 46(7) of the Child Act 2001, the court holds the authority to instruct the parent or guardian to maintain regular visits with the child, participate alongside the child in alternative workshops and counselling sessions, and engage in consultations with the school principal or teacher if the child is enrolled in an educational institution. This demonstrates that parents and guardians are expected to actively engage in the child's well-being and development under such circumstances. Due to the limited number of reported cases involving children categorised as "beyond control," it is challenging to gain insights into the judicial interpretations of this matter.

Nevertheless, the Social Welfare Department published statistics on children beyond control on an annual basis. According to the Social Welfare Department's 2021 data, there were 107 reported cases of children categorised as "beyond control." Among these cases, 78 involved female children, while the remaining 29 pertained to boys.

In terms of ethnic background, the majority of these cases, specifically 86 of them, were from the Malay ethnicity, while there were 6 cases involving Chinese children, 7 cases involving Indian children, and 8 cases involving children from other ethnic backgrounds. Among the 107 cases, 79 children were directed to attend an approved school, 15 children were put under the supervision of a probation officer or another designated individual, 4 cases were resolved as the families withdrew their complaints, 3 cases led to temporary detention, and 6 cases involved the provision of counselling services. (Syed & Mohd Yusoff, 2017).

In 2022, there was a notable increase in the total number of cases, reaching a total of 175. Among these cases, 45 involved boys, while 130 pertained to girls. Regarding ethnicity, Malays accounted for 125 cases, Chinese for 10 cases, Indians for 6 cases, and other ethnicities for 34 cases. Out of the 175 cases, 21 children were accommodated in a probation hostel, 2 children were placed under the supervision of a probation officer, 6 cases are currently pending, and 1 case was dismissed by the Court. Furthermore, 2 cases were withdrawn by the families, 23 children were temporarily detained, 78 cases received counselling services, 18 children were reunited with their families, and 24 cases are still under investigation (Social Welfare Department, 2021).

As regards to financial penalty, section 94 imposes the duty on the parent or guardian to pay a fine, compensation, or costs instead of the child. Besides, under section 108, when a child is ordered to be placed in the care of a fit, and proper person, a probation hostel, an approved school, a Henry Gurney school, an approved centre or place of refuge, the court may make an order requiring the parent or guardian to make contributions (either lump sum or by monthly instalments). The court will consider the means of the parent or guardian before making such an order. In *PP v Saiful Afikin bin Mohd Firus* [1996] 4 MLJ 309, the child pleaded guilty to the charge of culpable homicide not amounting to murder where the trial court imposed an order for him to be placed under his parental care for two years, a probation order for two years and his guardian to pay RM1,500 to the deceased's parents as a compensation. When the court invalidated the decisions made by the trial court and opted to send the offender to the Henry Gurney School, it asserted that when it came to compensation matters, the parent or guardian should have been granted an opportunity to present their case before the court could issue a compensation order. The court pointed out that there was no evidence in the records indicating that such an opportunity had been given to the offender's mother, who was present in court during the hearing. Consequently, due to the absence of any inquiry regarding her financial capacity to fulfil the compensation, the juvenile court made a significant error when it issued the compensation order against her. This procedural irregularity resulted in a miscarriage of justice that cannot be rectified and rendered the order null and void.

When analysing the numerous provisions contained within the Child Act 2001, it becomes evident that the Act places a certain degree of responsibility on parents and guardians concerning their children's involvement in criminal activities. This responsibility is manifested in various ways, including the requirement for parents and guardians to execute a bond and possibly make financial payments in the form of fines, compensation, or covering costs associated with their child's actions. Furthermore, the Act underscores the essential role that parents play in the rehabilitation process of children who have committed offences. In addition to any legal consequences, parental involvement is crucial. Parents and guardians are called upon to accompany their children in activities such as reporting to the welfare department or local police station, attending counselling sessions and interactive workshops, engaging in consultations with teachers and school principals, and visiting their children when they are placed in institutional settings. In essence, the Child Act 2001 recognizes that parents and guardians bear a dual responsibility – one in terms of potential legal liabilities arising from their child's actions, and another in actively participating in the restorative process to aid their child's rehabilitation and integration into society.

### **Parental Liability under Tort**

In the realm of common law, it is a well-established principle that, in the broadest sense, a parent should not be held legally responsible for any wrongful or tortious actions perpetrated by their child solely by virtue of the parent-child relationship. This traditional legal perspective recognises that the mere existence of a parent-child bond should not automatically render a parent legally liable for the actions or wrongdoings of their children (Freer, 1964). This is based on the notion that unless a parent actively coerces their child into engaging in



delinquent behaviour, or the crime stems directly from parental negligence, there should not be any parental liability imposed (Cheong & Lim, 2023). This stance was reflected in the case of *Corley v Lewless* 227 Ga. 745 (1971). In this case, the incident in question transpired on February 2, 1970, when Bruce, dispatched by his mother to get a haircut, became embroiled in a confrontation with Clark and other boys within a shopping centre parking lot, resulting in Clark's injury. The lawsuit advanced claims of negligence and wilful acts, invoking a statute (Code Ann. § 105-113) that assigns liability to parents and individuals assuming the role of parents for the wilful actions of their minor children. In holding that the statute was unconstitutional, the appellate court highlighted that at common law vicarious liability could not be grounded solely on the parent-child relationship.

The conventional approach in common law experienced a shift in the Restatement (Second) of Torts, section 316, which provides the exception in which parents may be found liable for the tortious act committed by the children. A parent has an obligation to reasonably oversee their minor child to prevent them from intentionally harming others or engaging in behaviour that unreasonably endangers others' physical well-being. This duty exists when the parent (a) is aware or has a reasonable belief that they can influence their child's actions and (b) recognises or should recognise the need and opportunity to exercise this control. Apart from that, a parent may be found liable for the child's misconduct if the child acts within the course of employment with the parent or when the parent has entrusted the child with dangerous objects.

In the landmark case of *Victoria ex rel. Pihaleo v. Palama*, 15 Haw. 127 (1903), the victim, through her next friend, Pihaleo sued the defendant and sought damages of \$1,000 for the personal injury she suffered as a result of a gunshot. In this case, the defendant's son was playing with a gun, believing it to be unloaded, and shot the victim, who happened to be nearby, destroying one of her eyes. The gun belonged to the defendant's employee, who left it on the verandah before the defendant's son took it. The defendant was not present during the incident. The court held that the father could be held responsible for damages for his infant's torts in every case where the infant would be liable. The evidence shows that the shooting was not accidental but was done in thoughtless or careless wantonness. There was a failure to care for the child on the defendant's part.

The third phase in the development of parental liability law emerged when written regulations were introduced to address this matter. In the United States, most states have implemented parental liability laws through written statutes, but the scope of parental responsibility and the limits on financial compensation vary from one jurisdiction to another. For instance, in Alabama, according to Alabama Statutes § 6-5-380 (1975), parents can be held responsible for up to \$1000 in cases of intentional, willful, or malicious property damage caused by their child. In Alaska, parents may be held accountable for property damage under Alaska Statutes § 09.65.255 and for allowing minors to drive without a licence under Alaska Statutes § 28.15.071. The maximum compensation amount is \$15,000, and in insurance claims, the limit is \$25,000. In California, parents can be held liable in various situations, including a child's willful misconduct (California Civil Code § 1714.1), allowing a minor access to firearms resulting in their discharge (California Civil Code § 1714.3), and a minor's involvement in driving violations (California Vehicle Code § 17707). Regarding penalties, property damage can result in a maximum penalty of \$25,000, while medical, dental, and hospital costs can reach \$25,000. Vandalism may lead to a \$25,000 penalty, while injury or death of one person in a single incident can result in a \$30,000 penalty. In cases where multiple individuals are injured or killed in a single occurrence, the penalty can be up to \$60,000. Bodily injuries can result in a maximum penalty of \$15,000 per person, with a maximum of \$30,000 per occurrence, and property damage related to driving violations has a maximum penalty of \$5,000 (Matthiesen et al., 2022).

In Malaysia, where the common law is in effect, parental liability in tort is not officially recognised. There is no parental liability statute passed by the Parliament to date. However, an attempt to establish parental liability occurred in the case of *Lim Jeb Haur v Nicholas Thomas Philip & Mathew Thomas Philip* (2019) 1 LNS 1351 (HC). In this instance, a 10-year-old child had a collision with the appellant's car while riding a bicycle in a gated housing area, resulting in injuries. During the incident, the victim's father was on his way to work and not at home. In the appellant's personal injury claim, there was an attempt to seek indemnity or contribution from the father, alleging negligence or contributory negligence in failing to supervise the child while cycling in the gated housing estate. The Sessions Court rejected this argument, leading to an appeal to the High Court. The High Court ruled that the father did not owe a duty of care to the appellant to ensure his child was supervised while

cycling on the road within a gated residential community. It was not reasonably foreseeable that the appellant would drive negligently within such a gated area. Furthermore, the court noted that the child possessed sufficient skills and experience to bicycle without supervision. The court emphasised the impracticality of requiring a single parent, who must work full-time to support their family, to constantly oversee their child and contribute to paying damages. Additionally, it was highlighted that parents lacking the resources to ensure their children's constant supervision should not be held responsible for any injuries resulting from accidents caused by third parties.

In the case of *Pendakwaraya Ivn Sam Ke Ting* JA-41LB-12-11/2019, the accused faced charges under section 41(1) of the Road Transport Act 1987 for reckless or dangerous driving, which led to the deaths of eight children in Johor Bahru, commonly referred to as the "basikal lajak" case. The High Court overturned the Magistrate's decision to discharge and acquit the accused and ordered her to enter her defence. During the appeal, the defence argued that the accident occurred at 3:00 am in a very dark location, and the victims contributed to the dangerous situation by wearing dark clothing and lacking bicycle lights. The High Court determined that the Magistrate had made an error by attributing liability to the victims, as this case was a criminal, not a civil matter. The concept of contributory negligence by the victims was irrelevant in disproving a charge under section 41(1) of the Road Transport Act 1987. Although there have been calls to prosecute the parents for not supervising their children adequately, the court emphasised that contributory negligence of the deceased was not pertinent in a criminal trial under the Road Transport Act 1987. Any consideration of contributory negligence would only apply if the families of the deceased children pursued a separate negligence claim against the accused.

From a parental perspective, it would be unjust and unreasonable to hold them responsible for every action of their children, as it would potentially lead to a surge in claims and injustices, resulting in chaos and disorder (Tamrin, 2022). For example, while parents should be liable if they knowingly allow their children to leave the house after midnight, it would be challenging to hold parents accountable if their children sneak out at night without their knowledge (Navaron, 2020). However, there are situations where it is reasonable to impose a duty of care on parents, particularly if they are not spending sufficient time with their children, failing to guide them to be responsible, and neglecting to educate them about the consequences of their actions. Courts must evaluate the specific circumstances of each case to determine whether parents have exercised reasonable control and supervision (Lim, 2022).

## **PARENTAL LIABILITY IN ISLAM**

According to Islamic beliefs, children are regarded as a divine responsibility entrusted by God to their parents. This responsibility entails the entitlement to receive support, nurturing, direction, and education (Hendrawati et al., 2018). Verses 13 to 19 of Surah Luqman provides guidelines on parenting techniques that should be applied in accordance with Islamic values (Meerangani et al., 2020). Essentially, Surah Luqman outlines several guiding principles, including firmness in matters concerning Islamic faith as mentioned in verses 13 and 17, speaking gently as mentioned in verses 13, 16, and 17, fostering intimacy with children as mentioned in verses 13, 16, 17, 18, and 19, and consistently encouraging them to do good deeds as mentioned in verses 13, 16, 17, 18, and 19 (Rahmatullah & Marpuah, 2022).

As regards to children's criminal liability, Prophet Muhammad PBUH reminded that:

يُفِيقُ حَتَّى الْمَجْنُونِ وَعَنْ بَحْتَلَمَ حَتَّى الْغُلَامِ وَعَنْ يَسْتَيْقِظُ حَتَّى النَّائِمِ عَنْ ثَلَاثَةٍ عَنِ الْقَلَمِ رُفِعَ

"There are three people whose actions are not recorded, a sleeping person till he awakes, a child till he is a grown up, and an insane person till he is restored to reason or recovers his sense." (Sunan Abu Daud (4403) and Ibn Hibban (142))

In Islam, the determination of legal responsibility for children hinges on the notion of reaching religious *bulugh* (puberty) (Ahangaran & Abbasi, 2015). Generally, according to *ijma' ulama* (consensus of Muslim scholars), a child is considered to have reached the age of puberty and is thus personally accountable for their actions if any of the following circumstances arise: (Hendrawati et al., 2018)

Reaching the age of 15 years old.

Boys experiencing semen emission.

Girls experiencing menstrual bleeding.

Sentences cannot be passed against non-*baligh* children for the acts they committed since they lacked the comprehension, emotional judgement, intelligence, moral capacity, and maturity in understanding the nature and consequences of their acts (Yusof & Rahim, 2014).

In Malaysia, Islamic criminal law is codified under the respective State's enactments. For instance, the Shariah Criminal Offences (Federal Territories) Act 1997 that applies to the Federal Territories contain provisions regarding children's criminal liability. S 51 of the Act provides that "nothing is an offence which is done by a child who is not *baligh*". S 2(1) of the same Act defines "*baligh*" as "having attained the age of puberty according to Islamic Law". Similar definition can be found in the Shariah Criminal Offences Enactment 1997 of Johor, the Criminal Offences Enactment (State of Penang) 1996, the Shariah Criminal Enactment (Selangor) 1995, the Criminal Offences Enactment (Taazir) (Terengganu) 2001, and the Shariah Criminal Offences Ordinance of Sarawak 2001. However, the Perak enactment diverges by employing the term "*akil baligh*" (Crimes (Shariah) (Perak) Enactment 1992), while the Negeri Sembilan enactment uniquely defines *baligh* as an individual who has attained the age of twelve years old according to *qamariah* years (Shariah Criminal (Negeri Sembilan) Enactment 2004). In contrast, Melaka, and Sabah, though not providing explicit definitions of *baligh*, have established certain age thresholds to determine non-*baligh* status (Shariah Offences (State of Malacca) Enactment 1991; Shariah Criminal Offences (Sabah) Enactment 1995). Nevertheless, the age provisions set by these two states differ. Melaka presumes a person under the age of fifteen *qamariah* years as a child (Shariah Offences (State of Malacca) Enactment 1991), while Sabah defines a child as someone under the age of twelve *qamariah* years (Shariah Criminal Offences (Sabah) Enactment 1995 (Yusof & Rahim, 2014).

In Islam, accountability for criminal actions is an individual obligation, as one cannot be held responsible for the sins or wrongdoings of another individual (Hendrawati et al., 2018). The Quran states:

“And no bearer of burdens will bear the burden of another. And if a heavily laden soul calls [another] to [carry some of] its load, nothing of it will be carried, even if he should be a close relative.” (Quran 35:18)

In Islamic jurisprudence, several conditions must be met to attract criminal liability. Firstly, the individual must possess the sufficient capability or power (*qudra*) to either commit or refrain from committing the prohibited act. Secondly, they must possess awareness (*'ilm*) not only of the nature of their action but also that it constitutes an offense. Lastly, the offender must act with intent (*qasd*), meaning they must purposefully and knowingly engage in the prohibited behaviour (Owaydhah, 2014).

Nevertheless, the Islamic jurisprudence also holds that parents bear responsibility for the harmful actions of their children, until they no longer have custody over them. The majority view among Islamic jurists is that the parental right and duty of custody over their children cease upon the child reaching the age of majority or attaining mental maturity. Furthermore, parents are held liable for damages resulting from the actions of their minor or mentally incompetent children as long as they are responsible for their protection and supervision. In all cases, the legal basis for parental liability stems from their failure to fulfil their duty of care towards their incapable children. Thus, it can be argued that parents are accountable for any losses incurred due to their neglect or failure to properly protect and care for their children (Heidari et al., 2017). Al-Baqarah, verse 233 ordains:

"Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]. Upon the father is the mothers' provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child. And upon the [father's] heir is [a duty] like that [of the father]. And if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them."

This verse implies that parents are responsible for their children's actions, and it is the parents who bear the financial burden resulting from any harm caused by their children. This responsibility extends to the payment of *diyyat* (blood money i.e. compensation for harm caused by an individual), as it is considered part of the consequences of the child's actions. In the time of the Prophet Muhammad (SAW), the payment of *diyyat* was carried out by the family members of the guilty party acting as the '*aqilah*' (Samudin, 2021). This is mentioned in a hadith narrated by Abu Hurayrah (RA):

"Two women from the tribe of *Hudhayl* fought, and one of them threw a stone at the other, causing her and her unborn baby to die. So, her family complained to the Messenger of Allah (SAW). He ruled that the *diyyat* for her foetus is to free a male or female slave, while the family of the perpetrator must pay the *diyyat* for killing the woman."

In Malaysia, parents can be made liable for the acts of youthful offenders under Islamic codes. For example, under s 128(2) of the Syariah Criminal Procedure (Federal Territories) Act 1997, "the Court before which a youthful offender is convicted may, in addition to or instead of punishing such offender in the manner provided in this section, inflict on his parent or guardian a fine not exceeding RM200 in any case in which such Court, after summary inquiry, is satisfied that such parent or guardian has, by neglecting to take proper care or otherwise, conducted to the misconduct of such offender, provided that no parent or guardian shall be fined without his having had an opportunity of being heard and, if he desires it, of adducing evidence in his defence." This section emphasises that parents can be fined for failing to exercise proper care and guidance towards the child which contributed to his misbehaviour. The principle of natural justice is also upheld in which the parents shall be given the right to be heard as to why such a fine cannot be imposed to them before the Syariah Court impose the order.

## CONCLUSION

In conclusion, the examination of parental liability laws in Malaysia, considering elements from criminal law, torts, and the Child Act of 2001, in comparison to the United States, reveals a complex landscape. While Malaysia has made strides in addressing parental responsibility through legislation such as the Child Act 2001, there is room for further refinement and clarification. The need to strike a balance between holding parents accountable for their children's actions and avoiding unjust or excessive punishments remains a challenge. The exploration with the law in the United States illustrates the diversity of approaches to parental liability, with each jurisdiction adapting its laws to suit its unique social and legal contexts. Malaysia may benefit from studying the experiences of the United States and other countries to improve its own parental liability framework. In addition to that, the concept of parental liability is also consistent with Islamic jurisprudence on parental duty and *diyyat* payment to the victims.

Moving forward, Malaysia should consider comprehensive reforms that take into account the evolving dynamics of modern families, including single-parent households, lower income households, and the influence of technology on children's behaviour. Striking the right balance between parental responsibility and individual rights is essential to ensure a just and effective parental liability system in Malaysia. It is crucial to continue the dialogue among legal experts, policymakers, and stakeholders to refine and strengthen the parental liability laws in the country, ultimately fostering a safer and more responsible environment for children and society as a whole.

## ACKNOWLEDGEMENT

The authors express their gratitude to the Faculty of Law, UiTM Shah Alam, for providing the Lex Praesta research grant of RM5,000.00.

## REFERENCES

- Abdullah, N.N.E. & Ab Rahman, N.H.. (2023). Mengadaptasi matlamat pembangunan lestari 1 (sdg 1) tiada kemiskinan bagi memberantas fenomena pengemis kanak-kanak di Malaysia. *Kanun Jurnal Undang-Undang Malaysia*, 69-94.
- Ahangaran, M. R., & Abbasi, Z. (2015). The age of criminal responsibility in children: Some of Islamic views. *International Journal of Paediatrics*, 3(4.1), 777-787.

- Bernama (November 16, 2019) New regulations for basikal lajak needed – expert. Malaysiakini. <https://www.malaysiakini.com/news/500022>
- Bernama (25 June 2022). 55,000 booked for allowing unlicensed individuals to drive their vehicles. Free Malaysia Today. <https://www.freemalaysiatoday.com/category/nation/2022/06/25/55000-booked-for-allowing-unlicensed-individuals-to-drive-their-vehicles/>
- Bernama. (29 November 2023). Police nab two believed to be parents of abandoned siblings. New Straits Times. <https://www.nst.com.my/news/crime-courts/2023/11/984284/police-nab-two-believed-be-parents-abandoned-siblings>
- Bernama. (1 December 2023). Father pleads guilty to abandoning his four children. The Star. <https://www.thestar.com.my/news/nation/2023/12/01/father-pleads-guilty-to-abandoning-four-children-in-front-of-guardhouse-in-ipoh>
- Ceka, A. & Murati, R. (2016). The Role of Parents in the Education of Children. *Journal of Education & Practice*, 7(5), 61-64.
- Chan, W.C. (2000) The requirement of concurrence of "actus reus" and "mens rea" in homicide: *Shaiful Edham bin Adam v PP*. *Singapore Journal of Legal Studies*, Millennium Issue (July 2000), 75-91.
- Cheong, C.B. & Lim, W.T. (2023) Is There a Basis to Punish Parents for Their Children's Misbehaviour? [2023] 1 LNS(A) Lviiii
- Dimitris J. E., (1997-1998). Parental Responsibility Statutes and the Programmes that Must Accompany Them. *Stetson Law Review*, XXVII, 656-700.
- Eekelaar, J. (1991) Parental Responsibility: State of Nature or Nature of the State?, *Journal of Social Welfare and Family Law*, 13(1), 37-50.
- Erman, R.B. (2023). Perspective Chapter: Criminal Responsibility. In Güney, S. (ed.) *Criminal Behaviour - The Underlyings, and Contemporary Applications*. IntechOpen.
- Freer, A.B. (1964). Parental Liability for Torts of Children. *Kentucky Law Journal*, 53(2), 254-266.
- Frost, N. (2005). *Child Welfare: Child Abuse and Child Protection*. Routledge.
- Gillies, V. (2008). Perspectives on Parenting Responsibility: Contextualising Values and Practices. *Journal of Law and Society*, 35(1), 95–112.
- Heidari, S., Khodaie, A. A., & Janbazi, D. (2017). A Reflection on Parents' Responsibility for Harmful Acts of Major, Foolish and Physically Disabled Children in the Islamic Jurisprudence and Iranian Law. *Journal of Politics & Law* 10, 146.
- Hendrawati, H., Nurwati, N., & Budiharto, B. (2018). Children's Criminal Responsibilities: Comparative Study in Islamic and Criminal Law. *Varia Justicia*, 14(2), 101-108.
- J.D., McD & J.L.R. (1958). Parental Liability Statute. *West Virginia Law Review*, 60(2), 182-188.
- Lee C.F. (2010) *The Process of Criminal Justice part 1*. LexisNexis.
- Lim, I. (23 Apr 2022). Lawyers: Prosecuting parents over children's 'basikal lajak' activities may do more harm than good; other solutions possible. <https://www.malaymail.com/news/malaysia/2022/04/23/lawyers-prosecuting-parents-over-childrens-basikal-lajak-activities-may-do/2055150>
- Lippman, M. (2006). *Essential Criminal Law*. 3rd edn. Sage Edge.
- Marchese, J. (2018). *Positive Discipline for Today's Busy (and Overwhelmed) Parent: How to Balance Work, Parenting, and Self for Lasting Well-being*. Potter.
- Matthiesen, Wickert & Lehrer (2022) Parental Responsibility Laws in All 50 States. <https://www.mwl-law.com/wp-content/uploads/2018/02/Parental-Responsibility-Laws-Chart.pdf>
- Meerangani, K.A., Mat Johar, M.H., Abu Bakar, A.M., & Abdul Razak, A.Q. (2020). Children's character building method in Islam: Analysis of Surah Luqman. *Kesidang Journal*, 5, 40-47.
- Mohammad, A., Mustaffa, A., Awang, M.B., Nawang, N., & Yusob, M.L.M. (2017). Criminal Responsibility of Children under Malaysian Law: Time for a Re-evaluation. *World Applied Sciences Journal*, 35(9), 1783-1791.
- Mohd Yusoff, J.Z. & Thambapillay, S. (2007) Neglecting child neglect: Selected legal issues encountered in Malaysia. Paper presented in the 2007 ALIN International Academic Conference, 06-07 Dec 2007, Bangkok, Thailand.
- Navaron, N. (7 November 2020). Parental Advisory: Can Parents Be Held Liable for Their Children's Acts or Conduct? <https://www.thomasphilip.com.my/articles/parental-advisory-can-parents-be-held-liable-for-their-childrens-acts-or-conduct/>
- Owaydhah, K.A. (2014). Justifications and concepts of criminal liability in Shari'ah. *Humanities and Social Sciences Review*, 3(2), 55-71.
- Rahmatullah, A.Z. & Marpuah, S. (2022) Positive Parenting from the Perspective of Luqman Al-Hakim. *Jurnal Pendidikan Agama Islam*, 19(2), 335-350.
- Ranchhodas, R. & Thakker, C.K. (1997). *Ratanlal and Dhirajlal's Law of Crimes Vol I*. 24th edn. Bharat Law House.
- 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.
- Rodham, H. (1973). *Children Under the Law*. *Harvard International Review*, 43(4), 487–514.
- Rosli, Z. (2021). Child Beggars in Malaysia and the Mechanisms of Law as Provided under the Child Act 2001. *Malayan Law Journal Articles*, 1, ciii.
- Samudin, S.A. (2021). Sejarah Diat dan Aqilah Serta Pelaksanaannya Pada Masa Kini (Trans: The History of Diyya and Aqilah Principle and Its Current Application) *Islamiyyat*, 43(2), 69-80

*Parental Liability Law in Malaysia for Children's Misconduct: A Legal Overview*

- Sarwat, N., Ali, R., & Khan, T. I. (2021). Cognitive Job Demands, Presenteeism and Procrastination: The Moderating Role of Psychological Capital. *sjesr*, 4(1), 193-203.
- Skaare, J.L. (2000). The Development and Current Status of Parental Liability for the Torts of Minors. *North Dakota Law Review*, 76(1), 89-121.
- Social Welfare Department, Malaysia. (2021). Statistics Report 2021. [https://www.jkm.gov.my/jkm/uploads/files/BAHAGIAN%20KAWALAN%20STANDARD/Laporan%20Statistik%20JKM%202021%20\(2\).pdf](https://www.jkm.gov.my/jkm/uploads/files/BAHAGIAN%20KAWALAN%20STANDARD/Laporan%20Statistik%20JKM%202021%20(2).pdf)
- Social Welfare Department, Malaysia. (2022). Statistics Report 2022. <https://www.jkm.gov.my/jkm/uploads/files/Bahagian%20Kawalan%20Standard/Laporan%20Statistik%202022.pdf>
- Susilo, S. (2020). The Role of Families in Cultivating Children's Personality Values: An Analysis of Social Psychology Education, 11(4), 275-303.
- Syed, N.M.S.N.A. & Mohd Yusoff, J.Z. (2017) Protecting the best interest of children beyond control: Does *parens patriae* work? *The Law Review*, 46-61.
- Tamrin, S. (14 April 2022). Parents of teens in 'basikal lajak' case should face justice, says lawyer. <https://www.freemalaysiatoday.com/category/nation/2022/04/14/parents-of-teens-in-basikal-lajak-case-should-face-justice-says-lawyer/>
- The Star (23 April 2015). Child Act may be used to punish parents who let underage kids drive. <https://www.carsifu.my/news/child-act-may-be-used-to-punish-parents-who-let-underage-kids-drive>
- The Star. (27 January 2023). Rethink punishment for 'unintentional' child neglect cases, say experts. <https://www.thestar.com.my/news/nation/2023/01/27/rethink-punishment-for-039unintentional039-child-neglect-cases-say-experts>
- Van, d.B.C. (2018). Parental Criminal Responsibility for the Misconduct of Their Children: A Consideration. *Potchefstroom Electronic Law Journal*, 21, 1-21.
- Wapcar (15 April 2022) MIROS: Parents to also be Blamed for Basikal Lajak Menace. <https://www.wapcar.my/news/miros-parents-to-also-be-blamed-for-basikal-lajak-menace-44904>
- Yusof, W. & Rahim, A.A. (2014) The Age of Criminal Responsibility from the Perspective of Malaysian Shariah Law. *Asian Social Science*, 10(10), 95-104.