



Rehabilitation and Restorative Sentencing for Sexual Offenders against Child Victims in the Malaysian Criminal Justice System

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Abstract. The severity of sexual crimes perpetrated against children is alarming in numerous Asian countries, including Malaysia. The increasing number of sexual crime cases involving child victims must be addressed swiftly to safeguard both children and society. However, the current approach to sentencing sexual offenders against child victims in Malaysia is insufficient compared to international standards, particularly the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules). General Principle No. 1.5 of the Tokyo Rules says that the country needs to come up with other legal solutions that align with human rights principles and emphasise rehabilitation and restorative sentencing. The Tokyo Rules must be respected to ensure a balanced and effective justice system. This study asserts that criminal rehabilitation and restorative sentencing should complement existing sentencing measures, such as imprisonment, to enhance offender accountability and reduce recidivism. While the Sexual Offences Against Children Act 2017 (Act 792) in Malaysia specifies offences and penalties for sexual crimes involving child victims, its preventive and deterrent measures are arguably inadequate. Thus, this study argues for a comprehensive legal reform incorporating both rehabilitation and restorative sentencing as a new approach to addressing sexual offences against children. In conclusion, integrating restorative sentencing and rehabilitation into the criminal justice system has the potential to transform offenders, fostering their reintegration into society while ensuring justice for child victims.

Keywords: Child, Criminal Law, Rehabilitation, Sentencing.

1 Introduction

1.1 Problem Statement

Despite the rapid development of the world, the issue of sexual offences against children has come to be one of the most egregious affronts to moral conscience and human dignity. Even individuals with the title of religious celebrity have been implicated in allegations of physical sexual assault against children, which constitutes an offence under Section 14(d) of the Sexual Offences Against Children Act 2017. Statistics revealed by the Ministry of Women, Family and Community Development (KPWKM) are deeply concerning, with 3,532 out of 6,775 total sexual offences involving children as of June 2022 [1]. Furthermore, the Department of Statistics Malaysia reported that the number of sexual crimes involving child victims stood at 1,567 cases in 2023 [2]. These statistics align with the statement from the former Chief Justice, who indicated a 42 per cent increase in the registration of sexual crime

cases during 2020–2021 [3]. Additionally, the American Psychiatric Association has listed paedophilia as a mental disorder [4]. A Senior Psychology Officer at Universiti Putra Malaysia (UPM) has also described paedophilia as a chronic mental illness [5]. According to her, paedophilia is a psychological disorder in which adults or older teens are more attracted to pre-pubertal children [5]. These statistics and findings highlight the urgent need for a comprehensive and effective solution in Malaysia.

In 2017, the Malaysian Parliament passed the Sexual Offences Against Children Act 2017 (Act 792), which provides for various criminal offences involving child victims. These offences include child pornography, punishable by up to 30 years' imprisonment; child grooming, with a maximum imprisonment term of five years; physical sexual assault, which carries a maximum imprisonment of 20 years and whipping; and various other offences. However, numerous studies have found that imprisonment alone is no longer the best option to prevent offenders from reoffending. The question arises as to what extent imprisonment or corporal punishment can guarantee that offenders of sexual crimes involving child victims, including those with paedophilic tendencies, will reform and become better individuals upon their release.

From the international perspectives, there are several legal frameworks with regards to children protection and treatment of offenders, evidenced by the plethora of documents and instruments issued by the United Nations, which includes: 1) Convention on the Rights of the Child (CRC) 1989 (ratified by Malaysia in 1995), 2) Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (ratified by Malaysia in 2012), 3) United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (does not ratified by Malaysia), 4) United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (does not ratified by Malaysia), and 5) United Nations Guidelines on Justice Matters involving Child Victims and Witnesses of Crime (ECOSOC Resolution 2005/20)

As a member state of the CRC, Malaysia is bound to the obligations stated in the instrument. For example, Article 19 of the CRC states that States must protect children from all forms of physical and mental violence, injury, abuse, neglect, maltreatment or exploitation, including sexual abuse. Additionally, Article 34 of the CRC states that States to protect children from all forms of sexual exploitation and sexual abuse. Other than that, Article 39 of the CRC requires that States shall promote the physical and psychological recovery and social reintegration of child victims. Malaysia is putting the effort to fulfil its obligations under the CRC through the Sexual Offenders against Children Act 2017. However, from our perspective, it shall take another step forward, which is to address the offender's behaviour in a manner that is consistent with prevention and rehabilitation.

In addition to that, although Malaysia has not yet formally ratified or adopted the Tokyo Rules, these rules may nevertheless serve as a valuable guideline for the implementation of rehabilitative sentencing within the Malaysian criminal justice

framework. The Tokyo Rules promote alternatives to imprisonment and emphasise rehabilitation, reintegration and the social reinsertion of offenders. They encourage States to develop and adopt community-based measures that are consistent with restorative sentencing principles, particularly for non-violent or reformable offenders. Importantly, the Rules also recognise that non-custodial measures may be appropriate for offenders with treatable conditions, taking into account the offender's background, personality and specific treatment needs. This reflects the shifting of how the world values a more humane and evidence-based approach compared to punitive measures.

1.2 Principles of Punishment

Before we go further, it is essential to examine the fundamental theories of punishment, particularly the deterrence theory. This concept can be traced back to the works of classical philosophers such as Thomas Hobbes (1588–1678), Cesare Beccaria (1738–1794), and Jeremy Bentham (1748–1832). According to these philosophers, rational individuals will refrain from committing crimes if they perceive the punishment to be severe. In other words, harsher punishments will deter individuals from engaging in criminal behaviour. However, some researchers, such as Bullock & Bunce (2020), argue that severe punishments, such as imprisonment, are ineffective in reducing recidivism [6].

For example, the 2022 Recidivism Report released by the Pennsylvania Department of Corrections reported that 64.7 per cent of offenders released in 2016 were rearrested and re-incarcerated within three years of their release [7]. In the context of crimes in Malaysia, the recidivism rate, or repeated arrests of former prisoners, had reached nearly 15 per cent as of September 2022, as stated by Deputy Commissioner General of Prisons Malaysia (Security and Correctional), Datuk Abdul Aziz Abdul Razak. This indicates that imprisonment is not an effective method to prevent offenders or prisoners from reoffending.

From a legal and sentencing procedure perspective, the punishment imposed by the court serves to rehabilitate offenders into becoming better individuals. The objectives of punishment under the criminal justice system have been emphasised in the case of *R v Sargeant*, which encompasses the purposes of retribution, deterrence, prevention, and rehabilitation. Section 173(m)(ii) of the Criminal Procedure Code states: "If the Court finds that the prosecution has proved its case beyond a reasonable doubt, the Court shall find the accused guilty, and he may be convicted on it, and the Court shall pass sentence according to law."

In practice, the court has discretion in exercising its judgment, as stated in *PP v Jesicca Lim Lu Ping & Anor*: "The trial court is free to exercise its discretion, judicially and conscientiously." Furthermore, in the case of *PP v. Low Choon Fatt*, Justice Hashim Yeop A Sani emphasised that there are only general guidelines for sentencing. Sentences may vary from case to case and between courts. This means that the court may impose a sentence based on legally sanctioned provisions.

In general, there are five main principles of sentencing, which are reparatory, deterrent, incapacitating, rehabilitative and punitive. For this article, we will discuss each principle briefly.

Reparatory. The first principle of sentencing is reparatory. Reparatory is the aspect of punishment which aims to repair, in some way, the harm done to victims as a result of the violations committed against them [8]. Reparation is a straightforward punishment that stems from compensation for loss, like the classical Babylonian saying, ‘an eye for an eye’. However, the application of this principle, although straightforward, is limited. This is mainly because not everything can be repaired. A simple example would be loss of life or disability [9]. To correlate with this article, how do we equate the effect of being sexually assaulted with materialistic calculation? If we were to compensate for that kind of effect, would we equate one’s life with money? In the ‘wokeness’ of the current worldview, we would brand that as not sensitive. Thus, there is a gap in reparation punishment that needs to be addressed.

Deterrent. To explain further, and at the same time comparing the principles of punishment, we are to look at the deterrent punishment. Deterrent punishment is achieved by hypothetically putting everyone as a potential offender, and trying to conceive what will happen if the hypothesis is true [10]. It was designed with such hope that if anyone were to commit any offence, the fear of being incarcerated would steer them away from carrying out the crime [11]. The foundation of the principle stands on the impulse of the consequences towards the offender are sufficiently strong to overpower the intimidation to break the law. Thus, this principle is tied strongly to another principle of punishment, which is the punitive principle [12], which we will discuss at a later stage of this article.

Incapacitation. Now, we move to the two principles which, mainly, in our view, have been the most applied principles when it comes to punishment due to its practicality, which are incapacitation and punitive. The core idea of incapacitative justice is to reduce harm by preventing likely offenders from having the opportunity to commit crimes, typically through imprisonment [13], [14]. Other forms include supervision, internet bans, or limiting access to certain public spaces [15], [16]. While conceptually sound, applying this principle is difficult in practice. Identifying individuals likely to reoffend is challenging, making selective incapacitation unreliable [17]. Research from the Netherlands shows that simply increasing incarceration does not significantly reduce crime [18]. Moreover, this approach raises ethical issues since it involves predicting future crimes based on past behavior [19]. Unlike other aspects of justice that respond to actual crimes, incapacitation deals with hypothetical risks, creating both practical and philosophical challenges.

Punitive. On the other hand, punitive justice is one of the most philosophically debated aspects of justice, rooted in the natural human impulse to punish wrongdoing, which even elicits positive emotions in victims [20], [21]. This instinct helps explain why retribution is one of the oldest forms of justice [22]. Punishment also serves a symbolic role, expressing societal condemnation rather than aiming solely to rehabilitate or deter [23]. However, critics argue that retributive justice reflects a

primitive urge inconsistent with modern, rational ideals [24], [25]. While some claim punishment has no practical value beyond deterrence [26], others argue it offers emotional satisfaction to victims and society, which is a valid ethical consideration [20], [10]. This emotional impact, known as intrinsic retributivism [27], underscores the importance of recognizing human psychology in justice. Furthermore, retribution is not arbitrary—its severity is intended to reflect the seriousness of the crime [28], [29]. Importantly, the victims' desire for retribution can be reduced through genuine remorse and reparatory actions [30].

Rehabilitation. However, despite the above, which we may say is gruesome in some way, there is another principle of punishment which is more humane, with a focus on tackling the root cause, of we call as psychological 'why', instead of retribution or reparation. Unlike other long-established forms of justice like punitive, restorative, incapacitating, and deterrent models, rehabilitative justice is a relatively modern concept that emerged during the Enlightenment [31], [32]. Its foundation lies in two key principles: the moral value of caring for the offender as an individual [33], and the utilitarian goal of reducing recidivism for the benefit of society [34]. Rehabilitation efforts often focus on personal development through education or vocational training, aiming to address social inequalities rather than simply punishing behavior [35], [36]. While initial enthusiasm surrounded this approach, doubts later arose due to mixed empirical outcomes [37]. Critics argue that the issue lies more in poor implementation than in the concept itself, as some programs have shown strong positive results [38], [39]. Additionally, prison environments lacking empathy and support can undermine rehabilitation efforts, making failure a self-fulfilling prophecy [6]. Limited resources and staff engagement further challenge the success of rehabilitative justice [40]. This is the premise of this article, on looking at how a rehabilitative approach may help in the issue of sexual offenders against children.

1.3 Research Question

In the context of sexual crimes involving child victims, the Criminal Procedure Code provides sentencing procedures, while the Sexual Offences Against Children Act 2017 (Act 792) prescribes offences and punishments related to sexual crimes against children. However, the existing legal provisions and approaches are insufficient, as they do not comprehensively incorporate rehabilitative and restorative approaches, particularly in cases involving child victims. Most sexual offences under the current legal framework primarily involve imprisonment. However, past studies have revealed that imprisonment is not the most effective punishment for preventing recidivism among prisoners. This raises a critical question, what role can rehabilitative and restorative sentencing approaches play in ensuring offender reform, victim healing and societal protection within Malaysia's legal framework?

This paper argues that while punitive measures such as imprisonment and corporal punishment are the avenues for fulfilling the retributive and deterrent objectives, they are inadequate in ensuring a substantial reform among sexual offenders against child victims. Therefore, the Malaysian criminal justice system should incorporate a

comprehensive rehabilitative and restorative sentencing framework that balances between reform of the offenders, healing the victims and protection of society.

1.4 Purpose of Study

This study is conducted to examine and evaluate the extent to which the Malaysian criminal justice system accommodates the principles of rehabilitation and restorative justice in the sentencing of sexual offenders against children. In light of the increasing number of sexual offences that involve children, this research seeks to question the efficiency of Malaysia's punitive approach, especially under the Sexual Offences Against Children Act 2017, which primarily focuses on imprisonment and corporal punishment as the mechanisms for offender reform, victim recovery and crime prevention. This study is premised on the understanding that while imprisonment and corporal punishment are necessary and serve to express moral condemnation and deter wrongdoing, they do not address the psychological, social and behavioural roots of sexual offending against children, or paedophilic actions.

Having said the above, this study aims to explore whether the integration of rehabilitative and restorative elements into sentencing will provide the necessary effects that are desired effect of recalibrating the cognitive and behavioural functions of sexual offenders against children (hereinafter referred to as "offenders"), thereby redirecting their sexual impulses toward socially acceptable and lawful conduct. It also seeks to identify how rehabilitative strategies, such as psychological treatment, counselling and structured reintegration programmes, may reduce recidivism among offenders. The elements of rehabilitation and restoration can provide offenders with treatment and education, enabling them to reintegrate into society through positive change upon release. A new sentencing approach should be considered to rectify moral deficiencies concerning sexual crimes involving child victims.

Ultimately, this study seeks to propose a balanced sentencing model that integrates rehabilitative and restorative principles into the Malaysian criminal justice system. This proposed framework aims to achieve a more holistic administration of justice, one that not only punishes wrongdoing but also addresses the root causes of offending, facilitates victim healing and reinforces public trust in the justice system. In doing so, the research aspires to contribute to policy reform discussions, judicial awareness and scholarly dialogue concerning the future direction of sentencing for sexual offences against child victims in Malaysia.

2 Research Methodology

This study is designed to conduct an in-depth examination of the development of a new rehabilitative approach to sentencing for sexual offenders involving child victims. It adopts a qualitative research methodology, which enables a more detailed contextual understanding of the issues surrounding the study. The research also

employs a socio-legal approach, a cross-disciplinary method used to analyse laws, legal phenomena, and their broader relationship with society [41]. This approach is deemed appropriate as the study inherently involves multiple disciplines, particularly in assessing how legal frameworks are formulated and how they impact the surrounding community.

2.1 Literature Review

The implementation of the study was carried out by conducting a literature review and semi-structured in-depth interviews. The data collected was analysed thematically, comparatively, analytically, and critically. The literature review involves primary sources such as relevant statutes, case law, government policies, official reports, and other legal documents. In addition, secondary sources include journal articles (both online and print), previous research studies, and reports obtained from libraries and electronic databases [42].

2.2 In-Depth Semi-Structured Interviews

This study was also carried out by conducting in-depth semi-structured interviews to gather detailed insights necessary for formulating the proposed new sentencing approach. Interview participants include governmental officers, subject-matter experts, policymakers, representatives from non-governmental and civil society organisations (NGOs and CSOs), practising lawyers and international experts. Participants are selected based on their expertise and involvement in issues related to the criminal justice system, sexual offences, and child protection. Interview questions were developed based on findings from the literature review. Each interview session lasted approximately 45 minutes to one hour. The interviews were conducted orally, with responses recorded both in written form and through electronic audio recording, subject to the participant's consent.

2.3 Scope of Study

The scope of study is limited to the analysis of the rehabilitative and restorative elements within the Malaysian criminal justice system in relation to sexual offences involving child victims. It primarily focuses on the evaluation of existing statutory provisions, judicial practices and institutional mechanisms under the Sexual Offences Against Children Act 2017 and other related legislation. The study does not seek to re-examine the substantive criminalisation of sexual offences but instead concentrates on the sentencing phase, particularly the formulation and implementation of sentences that promote offender rehabilitation and victim restoration. The study also stresses that, in any event, sexual offences against children are grave offences and the offenders shall not be given any leeway to escape from the punitive aspects of the sentence, which are imprisonment and corporal punishment. However, those punitive aspects of the sentence must be accompanied by rehabilitation aspects that focus on

restoring their cognitive functions and redirecting their sexual attractions towards a more socially acceptable and lawful conduct.

3 Discussions and Findings

3.1 The Inadequacy of the Existing Punitive Framework

The existing punitive framework under the Sexual Offences Against Children Act 2017 and the relevant legislation is heavily grounded in retributive and deterrent philosophies. While imprisonment and corporal punishment serve the dual purposes of condemning the act and deterring potential offenders, they have shown limited success in reducing recidivism among sexual offenders. The reliance on punitive sentencing reflects a traditional conception of justice, which views punishment as the ultimate corrective tool rather than a holistic response that addresses the underlying psychological and behavioural conditions of offenders. Based on the findings with practicing lawyers, they are of the opinion that there is a need to introduce a rehabilitative approach towards the offenders. This is mainly because, from their experience in handling similar cases, the offenders have shown sincere interest in not repeating the same offence and at the same time will be willing to participate in any rehabilitation program.

Empirical findings and comparative data have consistently demonstrated that punishment alone does not necessarily translate to behavioural reform. Incarceration may temporarily remove the offender from society, but without structured rehabilitation during and after imprisonment, the underlying cognitive distortions that drive offending behaviour remain unaddressed [43]. Consequently, offenders are likely to reoffend upon release, thereby undermining the preventive objectives of the criminal justice system.

The deterrence theory, as articulated by Hobbes, Beccaria, and Bentham, presupposes that rational actors make decisions based on the fear of punishment. However, this theory does not fully account for psychological compulsion or cognitive disorders, both of which are central to many sexual offences involving child victims. For offenders motivated by deviant sexual impulses or mental disorders, the fear of punishment is insufficient to deter future misconduct. This gap between theory and practice underscores the need for a complementary rehabilitative and restorative approach.

3.2 The Case for Rehabilitative Sentencing

Rehabilitation, as one of the five established principles of punishment, shifts the focus from retribution to reform and reintegration. Within the context of sexual offences against children, rehabilitation seeks to correct the offender's psychological and behavioural dysfunctions through therapy, counselling, education, and continuous

supervision. The American Psychiatric Association's classification of paedophilia as a mental disorder lends credence to the argument that treatment-based interventions, rather than punishment alone, are essential for preventing reoffending.

In Malaysia, however, rehabilitative mechanisms are still fragmented and limited. Correctional institutions primarily function as facilities for incarceration, with insufficient emphasis on structured treatment programmes tailored for sexual offenders. Although certain rehabilitation initiatives exist under the Prison Department and the Ministry of Women, Family and Community Development (KPWKM), these programmes are general in nature and do not adequately address the unique psychological needs of offenders with deviant sexual tendencies. According to ACP S. Tanabal A/L Sockalingam, Director of the Batu Gajah Correctional Centre, in general, all prisoners, without discrimination to their offences, are subjected to a basic rehabilitation program to prepare them to be restored to society. The program is known as "Program Pemulihan Insan (PPI)". The module includes arranging the prisoners' daily schedule, which will help them to maintain discipline. However, it was agreed that the PPI is inadequate, as there are no specific modules for each prisoner, let alone sexual offenders against children.

The integration of psychological treatment and behavioural therapy into sentencing could be achieved through statutory amendments or judicial discretion under Section 173(m)(ii) of the Criminal Procedure Code, which allows courts to "pass sentence according to law." This provision may be interpreted purposively to include rehabilitative conditions as part of sentencing orders. For example, offenders could be required to undergo mandatory therapy, psycho-education, or community-based reintegration programmes during the post-release phase. Such measures would not diminish the punitive nature of the sentence but rather enhance its corrective impact, ensuring that punishment is complemented by structured rehabilitation. Although there are reported cases that have been implementing such measures, it is not a concerted effort, thus limiting its results.

3.3 Restorative Justice as a Complementary Framework

Beyond rehabilitation, restorative justice introduces a relational dimension to criminal sentencing by addressing the harm caused to victims and communities. This model promotes accountability, victim healing, and social reintegration through dialogue and community-based participation. In cases involving sexual offences against children, restorative justice must be carefully tailored to avoid re-traumatisation of victims; nevertheless, the principles of restoration and reintegration remain valuable.

Article 39 of the Convention on the Rights of the Child (CRC) explicitly mandates State Parties to promote the physical and psychological recovery and social reintegration of child victims. This principle aligns with restorative justice, which prioritises the emotional and moral restoration of both the victim and the offender. For Malaysia, adopting restorative practices could involve victim-offender mediation facilitated by trained professionals, community rehabilitation boards, or family group

conferencing. These mechanisms ensure that justice is not confined to the courtroom but extends into the community, reinforcing the offender's accountability and the victim's empowerment.

The Tokyo Rules further reinforce this perspective by encouraging States to adopt non-custodial and community-based measures that emphasise reintegration over isolation. Although Malaysia has not ratified the Tokyo Rules, their principles remain persuasive. They recommend that sentencing authorities consider offenders' background, personality, and specific treatment needs, and that imprisonment be a measure of last resort. This framework is particularly relevant for offenders with treatable conditions, such as paedophilic tendencies, where therapeutic interventions have proven effective in cognitive restructuring and impulse control.

3.4 Towards a Rehabilitative and Restorative Sentencing Framework for Malaysia

A reformed Malaysian framework should maintain the punitive integrity of sentencing—ensuring that offenders are held accountable—while integrating structured mechanisms for rehabilitation and restoration. This can be achieved through the following measures.

Legislative Reform. Amend the Sexual Offences Against Children Act 2017 to include provisions for rehabilitative orders, mandatory counselling, and treatment programmes as part of sentencing or parole conditions. Undeniably, there is a provision on the requirement to provide for counselling under Section 26 of the said act, however, it is based on a judicial order and is not mandatory for all sexual offenders against children. Nevertheless, we do not discount the fact that such a provision is good and if we have to work with what we already have in terms of legal framework, it is a good start.

Institutional Coordination. Establish collaboration between the Prison Department, Ministry of Health, and Ministry of Women, Family and Community Development to design comprehensive treatment and reintegration programmes tailored to sexual offenders. During the serving of their sentences, offenders should undergo periodic counselling sessions with qualified psychologists to monitor their cognitive and behavioural progress. Upon release, they should participate in structured reintegration programmes conducted at regular intervals to facilitate their adjustment and reintegration into society.

Findings from interviews conducted with legal practitioners and prison officers suggest that, in general, sexual offenders are not inherently violent and are often willing to cooperate with rehabilitative initiatives. This underscores the potential effectiveness of therapeutic and integrative interventions when implemented in a systematic and sustained manner.

Restorative Mechanisms. Introduce pilot restorative justice programmes under judicial supervision for cases deemed appropriate, focusing on offender accountability and victim recovery. The objective of these programmes is not to replace punitive measures, but to complement existing sentencing mechanisms by incorporating a humanistic and therapeutic dimension into justice delivery. Through these programmes, offenders are encouraged to confront the consequences of their actions, accept responsibility, and make reparations—whether symbolic or practical—to their victims and the wider community. At the same time, victims are given a structured platform to express their trauma and participate meaningfully in the justice process, which contributes to emotional recovery and closure.

Pilot restorative programmes can also serve as a testing ground for Malaysia to evaluate the feasibility of integrating restorative justice within the formal criminal justice framework. Data obtained from these pilot projects—such as rates of victim satisfaction, offender compliance, and recidivism reduction—can later inform broader policy and legislative reforms. In the long term, institutionalising restorative justice under judicial oversight would align Malaysia with international standards under the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (ECOSOC Resolution 2005/20) and the rehabilitative principles of the Tokyo Rules, both of which emphasise restoration, accountability, and reintegration over pure retribution.

Integrating these measures would align Malaysia's sentencing practices with its international obligations under the CRC while also reflecting the spirit of the Tokyo Rules and the Nelson Mandela Rules, which collectively emphasise humane treatment, rehabilitation, and social reintegration.

4 Conclusion

The findings of this study demonstrate that the Malaysian criminal justice system, while robust in its punitive framework, remains limited in achieving long-term offender reform and victim recovery for cases involving sexual offences against child victims. The existing legal instruments, principally the Sexual Offences Against Children Act 2017 (Act 792), focus primarily on imprisonment and corporal punishment, reflecting a retributive and deterrent philosophy.

International legal instruments, notably the Convention on the Rights of the Child (CRC) and the Tokyo Rules, advocate for a balanced approach that incorporates both accountability and rehabilitation. The CRC obliges States to ensure not only protection and justice for victims but also the recovery and reintegration of both victims and offenders. Similarly, the Tokyo Rules promote non-custodial and community-based measures tailored to offenders' individual treatment needs. Malaysia's alignment with these frameworks requires a shift from a purely punitive model toward a more rehabilitative and restorative sentencing paradigm—one that

holds offenders accountable while addressing the psychological roots of offending behaviour and fostering genuine social reintegration.

In summary, the study concludes that integrating rehabilitative and restorative sentencing will not undermine the gravity of punishment but rather enhance its long-term efficacy. A sentencing model that combines deterrence with rehabilitation and restoration would uphold justice for victims, protect society, and transform offenders into responsible members of the community.

The reform of sentencing policies for sexual offenders against child victims requires courage, coordination, and compassion. A justice system that punishes without rehabilitating merely perpetuates the cycle of harm, whereas one that balances retribution with restoration fulfils the higher moral and social objectives of law. By embedding rehabilitative and restorative justice within its legal and institutional framework, Malaysia can advance toward a more humane, effective, and future-ready criminal justice system that truly protects its most vulnerable citizens, its children.

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