

THE JUVENILE COURTS  
AN OVERALL VIEW

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## INTRODUCTION

Among the Malaysian public, there exists an ignorance of the existence of a special court in dealing with juvenile offenders. Most people think that these juvenile offenders are dealt by the same court that deals with adult offenders.

This ignorance should not go unchecked. Therefore the purpose of my writing this paper is to make known to the public, the 'behind-the-scenes' of a Juvenile Court. To achieve a more realistic understanding of this topic, I have made special references to the Kuala Lumpur Juvenile Court, the Welfare Department of Wilayah Persekutuan and other relevant authorities which deal with juvenile problems.

The thread of analysis of this paper will touch on the practice and procedure adopted by the Juvenile Court from the time a child or a young person is apprehended by the police until his case is determined by the court, acting in pursuance to the provisions of the Juvenile Courts Act, 1947.

For a better understanding of this paper, whenever the word 'child' appears, it will mean a person under the age of fourteen, the word 'young person' means a person who has attained the age of fourteen but is below the age of eighteen, and the word 'juvenile' is meant as a person who has attained the age of criminal responsibility prescribed in Section 82 of the Penal Code and is under the age of eighteen.

Section 82 of The Penal Code stipulates that 'nothing is an offence which is done by a child under the ten years of age.

This paper is basically informational. Therefore the discussion of this paper will be base on the philosophy underlying the treatment of cases involving a juvenile accused of committing an act which if committed by an adult would amount to a crime that is, that the juvenile offender is seen as a separate an individual legal category where the attention is focused on the psychological, educational and social problems which lie behind the charge of a youthful theft or an act of destruction.

Since the object of the author in enacting the Juvenile Courts Act, 1947 is to rehabilitate rather than mete out a legal punishment so to achieve the legal as well as sociological end to the proceedings, the proceedings that the juveniles were subjected to were specially conducted on this line of understanding.

Therefore this paper will try to incorporate the extent of the rehabilitative philosophy as before mentioned.

## CHAPTER 1

### THE JUVENILE COURTS

The jurisdiction of the Juvenile Courts is conferred under the first part of the Juvenile Courts Act, 1947, entitled Preliminary.

The said Section 3 stipulates that "no juvenile when alleged to have committed the offence shall be arrested, detained or tried except in accordance with this act: except that a charge made jointly against a juvenile and a person who has attained the age of eighteen shall be heard by a court other than a Juvenile Court".

The Juvenile Court are defined by Section 4(1) as "courts constituted in accordance with this (Juvenile Courts) Act and sitting for the purpose of exercising any charge against a juvenile or for the purpose of exercising any other jurisdiction now or hereafter to be conferred on Juvenile Courts by or under this (Juvenile Court) Act or by any other written law."

Located at Jalan Duta, the Kuala Lumpur Juvenile Court shares the same building as the other Magistrates and Session Court. In fact, the Kuala Lumpur Juvenile Court which is situated at building K 3, which is also known as Court 13, doubles also as maintenance court