

CONCEPTS OF CRIME PREVENTION AND VIGILANTISM: THEIR RELEVANCIES IN MALAYSIA'S CRIMINAL PROCEDURE

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ABSTRACT

Crime prevention generally means action or policy implemented by public authorities in combatting crimes. It is commonly executed by police force or relevant public safety agencies in many countries around the world. In addition, community members are also encouraged to work together with them in preventing crimes from happening in their localities either by joining volunteer units established by the government or public-led patrol groups. Nevertheless, crime prevention efforts could sometimes lead to vigilantism especially where some civilians tend to combat crime beyond the limits prescribed by criminal procedural laws. This study aims to distinguish multiple definitions of crime prevention and vigilantism; and identify relevant statutory provisions on crime prevention in Malaysia. Qualitative approach is utilized in this study by way of analytical and critical in reviewing previous literatures and existing Malaysia's criminal procedural laws. This paper comprised the following segments – discussions on definitions of crime prevention and vigilantism by dictionaries, government and intergovernmental bodies and scholars; and relevant legal stipulations in Police Act 1967, Criminal Procedure Code and Rukun Tetangga Act 2012. As a result, it was found that prevailing legal provisions are not specific enough in guiding public to combat crime while avoiding vigilantism. Therefore, several amendments and specifications of such laws are vital in ensuring civilians obey and act in accordance with the laws without the need of becoming vigilantes.

Keywords: Community Crime Prevention; Vigilantism; Criminal Procedure; Police

INTRODUCTION

“Peranan masyarakat dalam membantu pihak polis menjaga keamanan dan membanteras kegiatan jenayah merupakan tunjang utama ke arah mencapai kesejahteraan dan keselamatan komuniti. (*Community's role in assisting police force in preserving safety and combatting criminal activities is the main pillar to accomplish community wellbeing and security*)” (Bakar, 2016).

Crimes are widely recognized threat in every single country across the globe. They could prejudice community safety, public order and national security if public authorities do no step up their measures to neutralize them from happening. Effective crime prevention

policies and actions by government and public authorities are necessary before the situation worsens. According to 2022 Global Peace Index, Iceland, New Zealand and Ireland secured top three rankings of safest countries in the world. In addition, Malaysia ranked 18th safest country alongside obtained high scores (more peaceful) in different domains, i.e., Societal Safety and Security domain (1.973), Militarisation domain (1.205) and Ongoing Domestic and International Conflict domain (1.015). It is further explained that Malaysia's society seems to be a conciliatory and pacific one which eventually could promote peaceful life despite still struggling in accomplishing

educational excellence, modern technology and economic prosperity (Institute for Economics & Peace, 2022). Hence, the effectiveness of law enforcement and society's inclination to maintain public order and security are two major factors that demonstrate relevancy of crime prevention policies based on the rule of law.

Despite the fact that Malaysia is relatively a safe country, crimes still taking place in multiple places nationwide. According to the Royal Malaysian Police (PDRM), there are 11,495 violence crime cases and 41,479 property crimes reported nationwide in 2021 (DOSM, 2022). The numbers could increase if there is no intervention especially by the public authorities alongside the cooperation from members of the public in combatting crimes. Nonetheless, they are still bound to follow the prescribed federal laws and regulations relating to criminal procedure in doing so, among others, Police Act 1967, Criminal Procedure Code and *Rukun Tetangga* Act 2012 which will be further elaborated in this study. These laws are important to regulate the crime prevention activities by both law enforcers and community members while preventing the latter from becoming vigilantes who take things on their own hands rather than working together with the public authorities, i.e., PDRM. Hence, vigilantism is not an alien concept to crime prevention as it would be the key factor of violence among the public if the crime prevention activities especially ones that are conducted by them is not regulated.

In addition, community crime prevention is one of the universal crime prevention theories that is discussed around the globe. This theory is described as encouraging active involvement of local community and societies in crime prevention activities either by way of identifying local priorities or executing responses to crimes (Shaw, 2010). It could also be defined as interferences intended to alter the social situations which are thought to support

insecurity and crime in civil society settings and most frequently involving residential communities (Hope, 2017). Thus, it could be understood that civilians are also encouraged to take part in crime prevention initiatives within their localities especially by working together with law enforcement agencies, i.e. police force and gendarmerie.

CONCEPTS OF CRIMES AND CRIME PREVENTION

First and foremost, concepts of crimes and crime prevention are strongly associated among each other. It is extremely important to discuss them to identify the gaps in previous studies conducted by numerous government and non-government agencies, academics and researchers. Therefore, this study will elaborate their definitions and concepts further with reference to multiple sources such as dictionaries, governments and international bodies alongside local and international scholars.

In general, it could be termed as an action that the law prescribes punishment and the violation of a legal duty regarded as the subject of thought of a criminal suit (Garner, 2004). It is also defined behaviour which is restricted and has a specific sentence like fine or incarceration stipulated by public law (Merriam-Webster, 2023). From the American legal system perspective, crime means an act that violates the United States' federal or state penal statutes (American Bar Association, 2023). Besides, it is also explained as "an offence against the state that is punishable" or "the act or omission may also be civilly actionable." (Stewart, 2001). On the other hand, crime prevention is described as the act of inhibiting criminal acts by both suppressing chances for offending and pre-emption (Gooch & Williams, 2015). It also means "official and police policies to prevent crime." (Collins, 2023). In brief, dictionaries referred above provide almost similar meanings of crimes with slight difference in terms of phrases used.

Besides, certain governments and international organizations take initiative to provide crime prevention guide for the usage of its citizens or public. Crime carries the meaning of “an act or omission that violates the law and is punishable upon conviction.” (Law Courts Education Society, n.d.). Meanwhile, crime prevention is described as any activity that attempts to combat crime by certain individual or group before it happens or it causes severe effects (UN, 2019). Furthermore, it also expresses about the evaluation, acknowledgement and anticipation of a crime risk and the actions taken to eradicate or decrease it which involves integrated community leadership (Ministry of the Solicitor General Canada, 2023). Crime prevention is also termed as activities which are ethically sound and grounded in evidence; strive to minimize the likelihood of crime and its negative impacts. Their ultimate objective is to enhance the well-being and safety of individuals, groups, and communities, thus improving their overall quality of life (European Crime Prevention Network, 2023). It means to observe at individuals who are not regarded as criminals and enquires them about what to do to ensure they are not acting against the law (Canton, n.d.). Besides, crime prevention is also described as “any lawful action that limits or removes the cause of offending and/or victimization.” (Australian Federal Police, 2022) Australian Institute of Criminology has explained further that crime prevention has the potential to mitigate the enduring expenses entwined with the criminal justice system and the economic and social ramifications of crime. Moreover, it can yield substantial returns on investment by leading to cost savings in areas such as justice, welfare, healthcare, and the preservation of social and human capital (Australian Institute of Criminology, 2018). In short, these definitions are crucial to be comprehended as the government and international bodies play major role in shaping the societies’ understanding about crimes.

In addition, discussion about crimes are extensive in nature and it is the main reason why some scholars are also taking part in discussing on the definitions of crime and crime prevention. In brief, crime means a breach of behavioral norms, as defined and articulated by the legal system, which mirrors the perspectives, conventional principles, and influence of individuals vested with political and social authority (Vincente, 2020). It is also termed as an act which is against the governmental law of a country (Zahari, 2019). Crime can be linked to behaviour and action which are against moral values in a society’s norms (Ahmad, 2017). According to Henson et al. (2025), there are several types of crime, i.e. crimes against persons, crimes against property, statutory crimes, and white collar or financial crimes but they should not be distinguished among each other as they are certain crimes exist in various categories. Besides, the notion of crime can be divided into a number of dimensions, i.e. criminological, spatial, economic, sociological, psychological, and biological. All of them describe crimes from their own standpoints and for example, crime is characterized by biologically descriptive scholars as a behavioral sickness that affects genetic and biological groups with fewer members in society than the general population (Faizy & Topçu, 2022).

In addition, a scholar further explained crime prevention as a significantly broader array of strategies aimed at preventing crime, many of which involve minimal or no involvement of the police (Tilley, 2009). Another scholar opines that preventing crimes is done by blocking all ways or chances for crime to be perpetrated, then criminals will be displaced and disjointed (Ghani, 2017). Furthermore, crime prevention could also be distinguished in terms of its approach, namely, reactive and proactive approaches. The earlier one simply

means actions taken after crimes happened while the latter one is described as actions taken before the crimes take place (Azman, 2020). It is also supported in a study carried out by Tudorică (2021) who opines that it consists of two determinations, i.e. pre-crime and post-crime preventions. It is because criminality is being tackled in all nations through prevention and restraint measures, including the use of criminal sanctions based on the criminal politics implemented nationwide. Hence, it could be expressed that the latter has closer connection to the actual meaning of crime prevention compared to earlier one. Despite this explanation, Henson et al. (2025) opine that crime prevention can be distinguished into three perspectives, i.e. crime prevention as an ideology (based on an idea that crimes are preventable by way of addressing the root causes that might lead to it), a methodology (practices, policies, or programs which formulate approaches in combatting crimes) and also an outcome (results of the implementation of crime prevention programs).

ANALYSIS

In sum, these definitions are easily understood and helpful in extending this research. Based on these definitions and explanations, crime prevention mainly focuses on approaches or methods taken by certain parties, i.e., government and public authorities in deterring criminal offences from happening. Nevertheless, these literatures did not cover every aspect of crime prevention as its definition is not exhaustive and could be extended even across numerous fields of knowledge, among others, criminology, criminal justice, government studies and law.

Moreover, crime prevention should not be limited to approaches or methods used only but rather includes law and policy making processes especially by the government and public authorities. They are

important to ensure civilians following the prescribed rules to combat crimes within their localities. It is also necessary for law enforcement agencies, i.e., police force to engage local community and working together towards maintaining peace and security. On top of these explanations, crime prevention is commonly associated with methods to eliminate crimes rather than rules and regulations because it does not necessarily governed by criminal procedural laws especially when it comes to community-led initiatives to implement such objective.

CONCEPT OF VIGILANTISM

On the other hand, combatting crimes is not an easy task and it requires relentless commitment not only by law enforcers but also from the community members. However, unregulated crime prevention activities could lead to vigilantism if they are not supervised by relevant authorities like PDRM. This is also not a strange concept at all, and it is necessary to be discussed further in this study.

Next, vigilantism is another concept that could also be related to crime prevention but it is discussed from different perspectives. It is defined as the act of a private individual assuming the role of law enforcement by capturing and administering punishment to individuals believed to be involved in criminal activities (Garner, 2004). Vigilantism also means “the rejection of state authority or competence for providing security by members of the public who coordinate to provide protection for themselves and others.” (Cane & Conaghan 2009). Besides, it is termed as the practice wherein common individuals within a locality engage in informal measures to prevent crime or apprehend and penalize individuals suspected of criminal activity (Cambridge, 2023). Concisely, several dictionaries as cited above highlighted keywords in describing vigilantism such as “individual” and “members of the public”

who disobey criminal procedural laws in combatting crimes.

In addition, national governments and law enforcers are highly responsible to inhibit vigilantism from happening and it is vital for them to comprehend this concept. The word “vigilante” is described as an individual who proclaims to uphold law and order on a personal basis, despite lacking the legitimate legal authority to carry out such actions (Cornell, n.d.). They are also claimed as certain paramilitary special groups involving civilians, police and armed forces personnel who are conducting arrests and detention and, to some extent, murder suspected criminals without any legal authorization and reference to the judiciary (Union of International Associations, 2020). In sum, vigilante is another specific word that refers to individual(s) who committed vigilantism which is against the rule of law, i.e. criminal procedure.

Besides, several criminal justice scholars discussed this concept through their academic works too. Vigilantism is also termed as “the extra-legal prevention, investigation, or punishment of offenses.” (Bateson, 2020). Another scholar defined vigilantism as joint intimidating acts executed by non-state entities with the purpose of enforcing societal or legal norms, or directly implementing their own interpretations of the law (Tanner, 2020). Vigilantes are described as non-state individuals who assume personal responsibility for enforcing the law and resort to harassing, assaulting, or causing physical harm to another individual (Cubellis et. al., 2019). It also comprises the usage of unofficial acts of violence in reaction to the breach of an established law (Millicent Adzimah-Alade, 2020). Furthermore, vigilantism is dominantly linked to non-governmental actors who are active in the enforcement of subjectively alleged “law and order” and they act independently from governmental power (Mareš & Bjørge, 2019). In Europe, there is common

appearance of an organized patrol group involving white men who are self-appointed to safeguard women from sexual harassment and gendered-based violence from migrants (Aharoni & Féron, 2020). Moreover, there is also a religious-motivated vigilante group in Indonesia raised by a prominent religious figure in confronting Western secularism, liberalism and pluralism (Yilmaz & Barton, 2021). The actions of this group are also considered to be a practice that shows that the participants are moved to transform their feelings of fear and anger into a violent preventive response (either prepared or spontaneous) in punishing those violating the moral code in society. There are three elements that constitute vigilante violence, namely social interaction in the form of community practices; moral regulations; and the role of emotions (anger and fear) that caused the participants to act violently through vigilante practices against the perpetrators (Muhammad Asif & Weenink, 2022). They are also doing so on its own perception despite not having the power conferred by law (Chen et al., 2022). In brief, it could be inferred that some scholars have illustrated the interconnection between vigilante-motivated crime prevention and non-state actors, i.e. members of the public in their definitions of vigilantism as discussed above.

ANALYSIS

Based on these conceptual explanations, vigilantism can be generally defined as non-authorized methods of combating crime used by private individuals rather than public authority such as the police force. Nonetheless, they are insufficient to cover the entire meaning of vigilantism, as supported by a scholar's opinion based on the premise that certain scholars face challenges in their individual research and the collective accumulation of knowledge due to a lack of well-defined conceptual clarity within the existing body of research (Moncada, 2017). As a result, experts must work together to identify unique elements of the idea of

vigilantism rather than simply presenting definitions that are almost identical.

In sum, all of the literatures cited and discussed above emphasise the link between the concepts of crime prevention and vigilantism. Their straightforward and detailed interpretations, as provided by dictionaries, government agencies, and legal experts, demonstrate their relevance to Malaysia's criminal procedural laws, particularly in terms of underlying factors in the process of arrest by private individuals. Furthermore, both conceptions could be viewed as guiding principles in establishing such statutes.

STATUTORY PROVISIONS RELATING TO CRIME PREVENTION IN MALAYSIA

In this section, the discussion will refer to several Malaysian statutes, i.e., Criminal Procedure Code, Police Act 1967 and *Rukun Tetangga* Act 2012 perceived to be enacted on the premise of regulating crime prevention in this country. In the first place, PDRM acts as the key public defender in the country as authorized under Section 20(3) of Police Act 1967 as follows:

“General duties of police officers

20. (3) Without prejudice to the generality of the foregoing provisions or any other law, it shall be the duty of a police officer to carry out the purposes mentioned in subsection 3(3); and he may take such lawful measures and do such lawful acts as may be necessary in connection therewith, including—

...

(j) giving assistance in the protection of life and property;”

(k) protecting public property from loss or injury;

Despite being the main law enforcer in Malaysia, PDRM still requires assistance from other parties ranged from government agencies to public. Voluntary Patrol Scheme (SRS) is a civilian unit coordinated by the Ministry of National Unity, Malaysia that

can be established to support *Rukun Tetangga* Area Committee (neighbourhood-based association) in maintaining peace and safety of members of such community as provided under Section 8(a) *Rukun Tetangga* Act 2012 as follows:

“Functions and duties of Rukun Tetangga Area Committee

8. A Rukun Tetangga Area Committee shall have the following functions and duties:

(a) to carry out such activities as to enhance and strengthen neighbourliness, unity, goodwill, harmony, comfort, peace, cooperation, safety, welfare, health, economic well-being and quality of life amongst the members of community; ...”

SRS is also authorized to stop and inspect anyone if they reasonably believe that such person could act in detriment of community members as stipulated under Section 25 *Rukun Tetangga* Act 2012 (Act 751):

“Power to stop and inspect

25. If a member of a Voluntary Patrolling Scheme while on patrol duty or guard duty has reasonable ground to believe that the safety of residents in the Area is affected, he may stop and carry out such inspection of any person, vehicle or any conveyance entering his Area.”

Hence, it could be stated that involvement of civilians in crime prevention in Malaysia through establishment of volunteer groups is beneficial in encouraging them to work together with authorities in combatting crimes while preventing them from becoming vigilantes and acting against the rule of law. As crimes could happen anywhere and sometimes could not be anticipated, quick responses are necessary as to obstruct the suspected criminals from running away from the crime scenes. There are several Sections in Criminal Procedure Code that could be regarded as relevant to govern crime prevention efforts in Malaysia, namely Sections 11, 15, 19, 20, 21, 23, 25, 27, 32 and 33. For example, Section 11

stipulates that members of the public are obliged to assist a police officer, Justice of the Peace, Penghulu or Magistrate who requested for their help in preventing escape of any person whom they are authorized to arrest, suppressing any action to breach the peace or injury to public properties (i.e. dock, canal and railway) or riot or affray. Besides, civilians are also required to inform a police officer or Penghulu in the case of commission or intention of anyone to commit any crime and when they found a dead body anywhere which is caused by death by violence or unnatural or sudden death but they cannot remove or put such body away unless it is deemed necessary pursuant to Section 13 alongside empowered to seize any offensive weapon from any criminal arrested by themselves pursuant to Section 21. Moreover, general procedures of arrest to be complied are provided under Section 15 of CPC as follows:

“Arrest, how made

15. (1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested unless there is a submission to the custody by word or action.

(2) If such person forcibly resists the endeavour to arrest him or attempts to evade the arrest such officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.”

On top of that, community members are permitted to arrest anyone who are suspected of committing any criminal offence crimes by virtue of Section 27(1) of CPC as follows:

“Arrest by private persons and procedure in such cases

27. (1) Any private person may arrest any person who, in his view, commits a non-bailable and seizable offence or who has been proclaimed under section 44 and shall

without unnecessary delay hand over the person so arrested to the nearest police officer or, in the absence of a police officer, take that person to the nearest police station.”

Based on this legal provision, they are permitted to arrest any person who are suspected to have commit any criminal offence and he or she shall be handed over to the nearest police officer or police station for further investigation as soon as possible. In case of no reason that shown he or she has committed any criminal offence, then such private persons must release him or her at once in accordance to Section 27(4) of CPC. Nonetheless, they are prohibited from taking any action against criminals such as hitting, hurting and even killing after arresting them alongside there shall be no unnecessary further restraint of suspected criminal offenders except for preventing his or her escape pursuant to Section 19(1) of CPC.

Based on the legal provisions discussed above, it could be stated that Malaysia's criminal procedural laws prohibit vigilantism while implementing crime prevention efforts as civilians cannot simply do anything against the prescribed methods. In the case of *Sam Hong Choy v Public Prosecutor* (1999), the appellant raised a legal issue regarding citizen's arrest, i.e. whether the phrase “in his view” as stipulated under Section 27(1) of Criminal Procedure Code empowers the prosecuting witness to arrest the appellant who was charged with non-bailable offence according to the Firearms (Increased Penalties) Act 1971. In this case, a civilian chased him after hearing someone shouted for help before he successfully apprehended him to be handed over to police for further investigation. However, the Court of Appeal dismissed his appeal and upheld that such phrase should be interpreted liberally which also shared the same meaning as “within sight of him” or “in his presence.” It is also signified that the implementation of citizen's arrest especially in this case is lawful as long as it is done without mere opinion or suspicion.

However, there are some cases reported in which certain people took things on their own hands in preventing crimes. For example, in the case of *Mohamad Zulkifli bin Ismail v Pendakwa Raya* (2020), the Appellant is charged for murder under Section 302 of Penal Code and sentenced to death. He is alleged to commit a vigilante act by stabbing the deceased who is believed trying to steal scrap metals located within Appellant's house compound. He also raised the right to private defence when the deceased is said to approaching to punch him but rather, the deceased was injured due to knife stabbing by the Appellant. Consequently, the Court of Appeal dismissed the Appellant's appeal and upheld the High Court's decision.

Moreover, in the case of *Menteri Hal Ehwal Dalam Negeri & Ors v Kerajaan Negeri Pulau Pinang* (2020), Respondent has established the Penang Volunteer Patrol Team (PPS) with objective to bring Penang residents together in assisting PDRM in terms of crime prevention through community policing. Nevertheless, this organization was declared unlawful by the Appellants and stated that policing and crime prevention powers are vested in the Federal Government and not any other entity like State Government and PPS. Federal Court decided that:

"We need to add that item 7 of the State List is made subject to the Federal List. As we have mentioned above, one of the stated objectives for the formation of the PPS is reducing crime through community policing. Item 3 of the Federal List clearly confers legislative competence on Parliament and not the State Legislature for matters relating to internal security, including the police and public order. It therefore follows that "Machinery of the State Government" does not extend to policing activities or the maintenance of public order."

In other words, Respondent does not have jurisdiction to establish any association with objective to play the role in crime prevention. Moreover, a man who is known

as Ong Eu Soon ("Ong") claimed that he was assaulted by some PPS members in front of Bandar Baru Air Itam Market and eventually lodged a police report against them. This case has been heavily criticized by members of the public who also called for its disbandment because of that incident. Thus, it is clear that there are some people still not complied the prescribed procedural laws in preventing crimes due to lack of understanding and awareness but rather take things on their own hands as similar to what vigilantes do.

Based on the landmark and contemporary cases elaborated above, it could be inferred that some community members tend to disregard criminal procedural laws in Malaysia in combatting crimes including those who joined government-control crime prevention volunteer groups. Although the basic procedures on arrest especially by civilians are stipulated in the Criminal Procedure Code, it seems that they still not following those but rather take things on their own hands to solve problems involving criminal offenders every single effort relating to community crime prevention should be executed in compliance with criminal procedure provided in the Criminal Procedure Code

CONCLUSION

In conclusion, the concept of crime prevention is important because it is reflected in numerous national legislations around the world. It is regarded thus because crimes pose a real threat to national security and public safety, necessitating the attention of public authorities since they have the potential to become widespread if no prevention measures are implemented. Furthermore, the concepts of crime prevention and vigilantism are inextricably linked since non-supervised crime prevention operations may eventually lead to increasing vigilantism cases in certain communities. Although the Malaysia's

Criminal Procedure Code requires public authorities and community members to follow criminal procedure when combating crimes, it is insufficiently explicit to govern their conduct. Based on the various incidents discussed above, some individuals continue to take matters into their own hands by "punishing" offenders rather than, for example, arresting and transporting them to the nearest police officer without needless delay, as required by Section 27(1) of the CPC. Aside from arrests by private individuals in the CPC, community-based crime prevention should not be done without regard for necessary processes. Furthermore, it is advocated that the government create more specific laws or, at the very least, change many Sections of the CPC as listed above, as well as mandate further regulated procedures to be followed by citizens in preventing criminal actions. Furthermore, the community crime prevention approach appears to be utilised in Malaysia, where residents are allowed to form volunteer patrol organisations in compliance with existing legislation and regulated by government and public agencies such as the PDRM to prevent them from becoming vigilantes. As a result, it implies that the notions of crime prevention and vigilantism are highly respected and included into Malaysia's criminal procedural rules.

ACKNOWLEDGEMENT

The authors would like to acknowledge Majlis Amanah Rakyat (MARA) for providing financial assistance for the research works.

CONFLICT OF INTEREST

The authors declare that they have no conflict of interest to this study.

AUTHORS' CONTRIBUTION

All authors contributed to the final version and approved the submission.

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