FOUNDATIONS OF CRIMINAL LAW IN MALAYSIA: ELEMENTS OF CRIME AND LEGAL CLASSIFICATION

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Abstract. With the increasing crime rate in Malaysia, the enforcement of criminal law remains a major concern within the Malaysian legal framework. Crime is understood as an act or omission punishable by the criminal law and manifests in various forms due to its complex nature. However, the complexity of criminal liability and the distinctions between different categories of crimes often create difficulties in the proper interpretation and application of criminal law principles. It may take the form of a conduct crime, where the prohibited conduct itself constitutes the offence, or a result crime, where liability arises only when the conduct produces a specific consequence. Furthermore, crimes may also be categorized as mala in se, referring to acts that are inherently wrong, or mala prohibita, referring to acts that are wrongful because they are prohibited by law. This paper examines the elements and types of crime in Malaysian law, particularly the roles of actus reus and mens rea in establishing criminal liability. The application of these principles analyzed through recent case studies. This study adopts library-based research, involving statutory provisions, case law, academic journals, textbooks, and official government publications, supported by doctrinal research methodology and quantitative analysis. The findings highlight the importance of continuous study and refinement of criminal law principles to uphold justice within Malaysian society.
Keywords: *conduct crime, result crime, criminal liability, mala in se, mala prohibita*

Introduction

Crime is a broad and complex concept constructed by the State through enacted laws. It is shaped by both legal rules and social norms. Understanding crime can be challenging as it exists in many different forms and manifests in diverse ways across societies. This article discusses the elements and types of crime within the context of Malaysian law. In Malaysia, the Penal Code serves as the primary codification of criminal laws, supported by judicial precedents established by the judiciary in decided cases. Fundamentally, criminal law acts as the invisible thread that holds the fabric of a civilized society together. Every legal provision, from the most severe crime of murder to a simple traffic violation, reflects a collective decision on what is tolerable and what is not.

The general principles of crime and criminal law

A crime can generally be understood as any omission or commission which is prohibited by law to protect the society. However, as observed by Mohan (2015), this concept of crime is not absolute, as there is no universally accepted definition. It is also observed that the Malaysian Penal Code does not expressly define the term “crime.” This absence suggests that the word “crime” is inherently complex and defining it specifically will cause rigid interpretation which could lead to potential misapplication. Furthermore, although the term “crime” is often used interchangeably with “offence”, the two are dissimilar. As defined by Osborn (1964), crime refers to unlawful act that endangers the society and is punishable by law. While all crimes are offences, not all offences amount to crime. Under Malaysian law, offence is broader than crime as it includes all punishable acts under any written law. As stated in Letitia Bosman v Public Prosecutor and other appeals (No 1) [2020] 5 MLJ 277, the term “offence” is a general word of wide amplitude. In most situation, an act falls within the category of an offence when it is prohibited by law. Significantly, Section 40 of the Penal Code define “offence” as anything which is punishable under Penal Code, any special law, or any local law. Additionally, Section 2 of the Criminal Procedure Code denotes offence as any act or omission made punishable by any law. According to this broad definition, an offence is simply proved when there is a violation of a statutory rule. On the other hand, “crime” primarily refers to serious violations of criminal law, such as rape and murder. Crime carries a greater degree of public wrong and attracts stronger penal consequences imposed by the State, including death penalty in some cases.

Having understood the general concept of crime, it is necessary to consider the differences between criminal law and other branches of law. According to Allen (2003), criminal law is “a series of prohibitions backed up with threat of punishment”. They further explain that its primary function is to set parameters within the operation of criminal justice system which generally regulates the behaviour of society. Considering that the main objective is to protect the public at large, criminal law represents the rules of social control. This is accomplished by punishing the offender and reasserting the moral norms of the society. Mohamed and Ahmad (2023) explained that punishment is the key in the enforcement of criminal laws as the functions of punishment is to rehabilitate, to deter, to restore to incapacitate and to retribute. The punishment however must still be reasoned and reasonable (Allen, 2003). In criminal litigation, the burden of proof lies on the prosecution, who must prove that the accused is guilty beyond reasonable doubt while disproving any raised defences (Allen, 2003). Before an accused is called to enter their defence, the prosecution must first establish a prima facie case. A prima facie case is when the evidence presented is sufficiently strong that, if left unrebutted, it would warrant a conviction (Mozley et al., 1993; Black, 1951). Consequently, a prima facie case is one of the important considerations for the Public Prosecutor in deciding whether to proceed with a charge or not. As noted by Yeo et al. (2018), the prosecutor is not obligated to ‘win’ at all costs, but to objectively assess the strength of the evidence. In Malaysia, prosecutions are conducted in the name of the Public Prosecutor, which is reflected in case citations such as PP v X or DPP v X (Jamaluddin and Abdullah, 2010).

Criminal liability and its administration in Malaysia

In practice, criminal liability arises when a person fulfils the two essential elements of crime, namely the prohibited act (actus reus) and the requisite state of mind (mens rea). Each crime consists of its own distinct legal elements which must be strictly fulfilled and proven before liability can be imposed. This requirement reflects the fundamental principle of law that a person is only liable for his or her own criminal conduct. Such strict adherence is to ensure fairness in the administration of justice. In Malaysia, criminal offences are heard and tried in different courts depending on the seriousness of the offence. Concisely, Magistrate’s Courts handle minor offences, Sessions Courts deal with more serious offences, and the High Courts exercise original, appellate, and supervisory criminal jurisdiction. Understanding this court framework is

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essential to contextualise how criminal law is applied and how offenders are prosecuted and punished.

Materials and Methods

This study adopts several research methodologies in examining the core concepts of Malaysian criminal law. The foundation of this research is primarily based on a library-based approach, which provides reliable and credible information, as it is key to accessing a wide range of resources and ensuring the authenticity of the information. The materials utilised in this study consists of both primary and secondary sources. The primary materials used were the Malaysian Penal Code and textbooks, whereas the secondary sources were obtained from digital resources such as case law, academic journals articles, and official government publications. These sources establish the conceptual and legal framework for analysing the discussion. Sources were selected based on their relevance and recognized authority in the field to ensure a comprehensive analysis. The research further involves a doctrinal research methodology, which is applied in analysing the provisions of the Penal Code and identifying the elements of crime in relevant case law. As noted by Majeed et al. (2023), doctrinal research provides a systematic explanation of the legal rules governing a particular area of law. This approach also includes a comparative element, allowing the study to distinguish between the elements of crime and analyse their similarities across relevant cases. Moreover, this study also adopts a quantitative approach, whereby statistical data obtained from official government sources is analysed to identifying and compare trends over the years. Overall, the combination of library-based, doctrinal, and quantitative approaches provides a comprehensive framework for achieving the objectives of this study.

Data analysis

Essential elements of crime under the criminal law

As established in the landmark case of Woolmington v Deputy Public Prosecutor [1935] AC 462, every person is presumed innocent until proven guilty. This principle is operationalized through the legal maxim actus non facit reum nisi mens sit rea, which dictates that an act alone does not constitute guilt unless it is accompanied by a guilty mind. From this maxim, it is understood that actus reus and mens rea must coexist to form a crime. Consequently, the accused can only be convicted and held liable for an offence if the prosecution succeeds in proving both elements beyond a reasonable doubt. However, there are exceptions to this general principle, particularly in the case of strict liability offences, where proof of mens rea is not required for their establishment. Strict liability offences are generally aimed at regulating activities considered highly harmful to society, often within the scope of regulatory control (Stanton-Ife, 2007). In such offence, liability is imposed once the conduct itself is established, regardless of intention or knowledge. For instance, offences such as driving without a valid license impose criminal liability upon proof of the act alone. This demonstrates that while the coexistence of actus reus and mens rea is the general rule in criminal law, it is not absolute in all categories of offense.

Actus Reus

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In legal terminology, actus reus refers to the external or physical element of a crime, which includes conduct or omission that constitutes a legally prohibited act and results in harm to others. Actus reus represents the physical component of a crime and serves as the foundation for criminal liability (Smith, 1978). Glanville William, as described by Ismail (2020), argues that it covers the entire definition of an offence except the mental element. Under the Penal Code, there is no single provision defining actus reus, but its scope can be learned through a number of sections. According to Section 2, liability only arises from conduct or omissions that breach the law. While Section 33 acknowledges that an act may consists of a series of actions, Section 32 highlights the definition of “act” to include omissions. Section 34 further emphasizes that conduct only turns into a crime when it is forbidden by law. These provisions demonstrates that actus reus consists both voluntary acts and omissions, as well as the involvement of a causal relationship between the conduct and the resulting harm. If the elements of actus reus are not proven, there can be no offense and such liability cannot be imposed. According to Smith (1978), a prima facie offence is established once the conduct falls within a prohibited act, provided that any available defenses are taken into account. To put it in another way, the offense seems to be completed at first glance because all the requirements and elements are fulfilled. However, if a legal defense is raised, it may still need to be further investigated. Furthermore, voluntariness constitutes one of the elements of actus reus, as it requires that the accused’s action be under the control of their mind. An “act” is a deliberate movement that distinguishes voluntary conduct apart from involuntary actions, like reflex movement or unconscious acts.

Additionally, a causal link between the accused’s conducts and the resulting harm is required when the offence involves a particular outcome. In R v White [1990] 2 KB 124, the accused was found not guilty of murder because his actions did not cause the victim’s death, illustrating the necessity of causation. In a similar vein, R v Miller [1983] 2 AC 161 demonstrates that omissions may establish actus reus where a duty to act exists, while R v Instan [1893] 1 QB 450 further shows liability arising from a failure to fulfill a legal duty. From a legal perspective, this can be illustrated in detail by reference to the Malaysian Penal Code. For instance, under Section 300, the physical element of the offence lies in the act of causing the death to another person, which demonstrates that criminal liability is only imposed where there is a direct and the caused the harm consequences. Similarly, section 378 expressly provides that the actus reus is established once a person moves property out of another person’s possession without consent. This shows that even minimal physical interference may be sufficient to constitute the external element of a crime. This provisions outlined the importance of linking the accused’s conduct to the prohibited outcome. In summary, this doctrine requires proof of voluntary conduct or omission, and where relevant, a causal connection to the resulting harm. These requirements ensure that criminal liability is imposed only when the accused’s act fall within the scope of legally prohibited actions.

Mens Rea

In criminal liability, mens rea refers to the state of mind that the prosecution must prove a defendant to have had at the time of committing a crime in order to secure a conviction. It varies from crime to crime, either defined in the statute creating the crime or established by precedent (Law, 2018). For example, Section 298 of the Penal Code specifically established that the intention to wound the religious feelings of any person is the mens rea. The word “intention” in the said provision clearly indicates the state of

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mind required for an offence relating to religion. Notably, this definition of mens rea must be distinguished with what is normally understood as "guilty mind", because a person may commit a crime without feeling any guilt. In determining whether the accused possessed the required mens rea, the prosecution carries a duty to examine the state of mind of the accused which existed at the same time the actus reus was committed. The first step is to always refer to the legal provision that defines the offence. For instance, the offence of assault requires an intention or knowledge of the accused that he is likely to cause the victim to apprehend the use of criminal force as a result of his gesture or preparation as stipulated in section 351 of the Penal Code.

Then, the process to prove mens rea is a separate duty of the prosecution. Here, the prosecution may rely on factual circumstances and reasonable inference apart from solely relying on the provision of law. Relevant factual circumstances include the nature of the act, the means used to commit it, the nature of the harm caused, the existence of motive, and the relationship between the parties. From these facts, the court may infer whether the required mental element was present in the accused state of mind at the material time. In Wong Zing Haw v Public Prosecutor [2025] 6 MLJ 442, the court emphasized that it was nearly impossible to prove mens rea by direct evidence. Consequently, mens rea can be inferred from circumstantial evidence. In this case, the accused's mens rea was established through few incriminating factors including the purchase of hardware tools specifically suitable for body disposal, the discovery of a handwritten notes of human anatomy, the accused's statement which led to the discovery of evidence, as well as his unusual and inconsistent conduct following the deceased's disappearance. Collectively, these circumstances formed a clear inference that the accused possessed the mens rea for culpable homicide not amounting to murder.

Comparison of conduct crimes and result crimes

In assessing criminal liability, the distinction between conduct crimes and result crimes plays a crucial role in determining whether an individual's behaviour amounts to an offence under the law, as it forms part of the doctrine of actus reus (Ismail, 2020). As explained by academic commentary, conduct crimes are completed upon the performance of the prohibited act, whereas result crimes require proof that the accused's conduct caused a specific prohibited outcome. Conduct crimes emphasize the act itself, where liability arises once the unlawful behaviour is carried out, even there is no harm happened. Section 351 provides a clear illustration by demonstrating that even a mere gesture or preparation may constitute assault, despite the act not being carried out. This demonstrates that the law recognizes threatened harm as sufficient to establish the actus reus. Similarly, under Section 375, liability for rape arises where a man has sexual intercourse with a woman against her will or without her consent. Rape is generally regarded as a conduct crime, as liability is established upon non-consensual penetration, regardless of any further consequences (Ismail, 2020). In fact, this reflects the law's preventive function in prohibiting wrongful and dangerous acts.

In contrast, result crimes place greater emphasis on the result of the accused's conduct. In legal practice, liability is only imposed where the prosecution successfully establishes that the act has caused the prohibited result. According to Ismail (2020), this requires establishing actus reus through both in factual and legal causation. This is illustrated in Salman bin Kassim v Public Prosecutor [2023] 2 MLJ 456, where the appellant was convicted of murder under Section 302 of the Penal Code after stabbing the deceased, which resulted in her death when one of the wounds severed her carotid

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artery. The conviction was upheld on appeal, as the prosecution successfully proved elements of crimes beyond a reasonable doubt. From the case, it can be highlighted that the death resulted from the act of stabbing which illustrates a result crime as a clear chain of causation is established.

Comparison of Mala in Se and Mala Prohibita

Criminal conducts are generally distinguished based on the nature and the basis of the wrongdoing. It is important to note that not every immoral act amounts to a crime. According to Devlin (1959) which is cited in Baird (2007), immorality is "what every right-minded person considers to be immoral". Concisely, all criminal conducts are immoral but not necessarily all immoral conducts are crimes. This is because morality is subjective as it depends on a particular society at a specific place and a specific time. Despite this subjectivity, both crime and immorality are considered not in the favour of the society (Mohamed and Ahmad, 2023). In criminal law, an act does not constitute a crime unless there is a specific law that penalizes it (Mohamed and Ahmad, 2023). Wrongful acts that violate the law are frequently categorized as either mala in se (evil in itself) or mala prohibita (prohibited evil). According to Allen (2003), English Common Law classified crimes as either felonies or misdemeanours. When comparing these to the Malaysian legal framework, felonies align with the concept of mala in se, while misdemeanours is similar to mala prohibita. Generally, felonies crimes are more serious than misdemeanours, such as homicide and rape (Allen, 2003).

Mala In Se

According to Black (1968), mala in se (evil in itself) is defined as "the acts which are immoral or wrong in themselves." Instances include kidnapping, assaulting, theft and arson. Generally, there are four characteristics: it is inherently wrongful, involves moral turpitude, is universally recognised as wrong, and attracts a more severe penalty compared to the crime of mala prohibita (Respicio, 2025). Crimes mala in se involve acts or omissions which are naturally immoral. These acts are wrong ab initio under both natural law and moral standards, apart from being prohibited by statute. Importantly, crimes in this category usually require the presence of mens rea. For example, the crime of theft which is universally recognised for its evil nature requires a mental element involving the intention to dishonesty take and move any movable property out of another person's possession as provided in Section 378 of the Penal Code. According to Section 379, the punishment is either an imprisonment for up to 7 years, or a fine, or both. In the case of subsequent conviction, the offender shall also be liable to whipping.

Mala Prohibita

Mala prohibta (prohibited evil) are things prohibited by statute as infringing on other's rights, though no moral turpitude may attach, and constituting crimes only because they are so prohibited. Examples include violations of traffic laws and the illegal possession of firearms. Crimes in this category are generally characterised as: statutorily prohibited, not involving moral turpitude, guided by public policy objectives, and subject to lighter penalties compared to mala in se offences (Respicio, 2025). Unlike crimes mala in se, offences mala prohibita only considered wrongful if it is expressly prohibited under any written provision. In many instances, these crimes do not

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take mens rea into consideration, particularly where the offence is classified as a strict liability. The main objective of criminalising mala prohibita conduct is to regulate the behaviour of the society to ensure the safety and well-being of the public at large. For example, the offence of exceeding the speed limit imposed is not inherently evil and immoral, particularly if no accident was caused. So long as no one is injured, there should be no offence, laymen might think. However, the provision exists to protect every road user from any potential harm, as an accident might occur even if only a single driver exceeds the speed limit. For this offence, the penalty would be in the form of a fine which ranges from RM300 to RM2 000 as provided under Section 40 of the Road Transport Act 1987. This is comparatively lighter from the penalty for theft discussed under mala in se.

Crime trends in Malaysia

It is important to see the aspects of crime from the practical perspective. The following table thus, presents the statistical data covering the period from 2022 to 2024 illustrates the overall trends of reported crimes in Malaysia, categorised into property crimes, assault crimes, and sexual crimes involving children (*Table 1* and *Table 2*). Based on the data, property crimes form the largest proportion of cases across the years, indicating a persistent pattern of offences involving unlawful taking of property. From a legal perspective, these offences are usually classified as mala in se when they involve theft or robbery, as they are considered inherently wrongful and also reflect a combination of actus reus and mens rea in establishing criminal liability. Assault crimes such as homicide, robbery, and causing injury fall more clearly under the category of result crimes, as criminal liability depends not only on the act itself but also on the outcome, such as death or physical harm. These offences are also generally regarded as mala in se, given their serious nature and the harm caused to victims, which directly affects public safety. As noted by Pittman and Handy (1964), no crimes are regarded as more serious than homicide and aggravated assault, as homicide deprives an individual life, while aggravated assault involves an attempt to inflict serious injury or take life of person. Such aggravated assaults may occur across a wide variety of places, most commonly in public streets, and also often associated with factors such as the victim-offender relationship.

Table 1. *Reported crime by major categories in Malaysia (2022-2024).*

Crime category	2022	2023	2024
Assault Crimes	10,348	10,453	11,067
Property Crimes	40,465	41,991	47,188
Sexual Crimes Involving Children	1,239	1,567	1,959

Table 2. *Breakdown of assault crimes (2022-2024).*

Crime type	2022	2023	2024
Rape	1,712	1,914	2,074
Robbery	4,589	4,588	4,274
Homicide	240	258	236
Causing Injury	3,807	3,693	4,483

Similarly, sexual crimes involving children reflect serious result-based offences, where the law focuses on both the prohibited conduct and the harmful consequences

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suffered by victims. Sexual crimes, particularly rape and physical sexual assault involving children, are often associated with long-term psychological trauma that extends beyond physical injury and significantly affects emotional and mental well-being. Research conducted by Ross (1992) shows that childhood sexual abuse is a major risk factor for the development of DSM III-R diagnoses such as depression, borderline personality disorder, and substance abuse. The research further indicates that borderline personality disorder is highly followed by post-traumatic stress disorder. Rape remains a serious and persistent issue that continue to raise public concern, with reported cases showing a clear increasing trend over recent years. For instance, the number of rape cases increased from 1,712 in 2022 to 1,914 in 2023 and further rose to 2,074 in 2024. This upward trend highlights the seriousness of sexual offences and the perpetual risk towards the victim, particularly women. Beyond the immediate harm suffered by victims, rape also contributes to broader social consequences, especially in shaping perceptions of safety in public spaces.

Results and Discussion

Coexistence of Actus Reus and Mens Rea

Ajaib Singh J. (as he then was) highlighted that there are four stages of crime in Thiangiah and Anor v PP [1977] 1 MLJ 79. First, the intention to commit the crime. Second, the preparation to commit the crime. Third, the attempt to commit the crime. Fourth, the actual commission of the crime. He further clarified that mere intention and preparation to commit a crime do not, in themselves, constitute a criminal act. This framework underscores the coexistence of actus reus and mens rea in establishing a crime, as an offence is only considered complete when the actus reus is accompanied by the requisite mens rea. The coexistence of actus reus and mens rea is codified within various provisions under Malaysian Penal Code. For instance, the crime of voluntarily causing hurt under Section 321 requires the victim to suffer physical hurt. The act of causing such hurt by the accused satisfied the actus reus required. Regarding the mens rea, the accused must possess the intention or knowledge that the act is likely to cause such hurt. Similarly, Section 312 requires the accused to “voluntarily” cause a woman with child to miscarry. Here, the actus reus is the resulting miscarriage, while the mens rea is satisfied if the accused commited the actus reus voluntarily. As defined in Section 39, a person is said to cause an effect voluntarily when they intend to cause it, or at the time of the act, they knew or had reason to believe that the result would likely occur. Furthermore, this coexistence can also be seen in Malaysian case like Roslan bin Awang Mohamaad v Pendakwa Raya [2022] 12 MLJ 57, where the appellant was convicted under Section 506 of the Penal Code for criminal intimidation. The court held that the offence occurred when the appellant entered the complainant’s room carrying two knives and threatened to kill her if she proceeded with divorce proceedings. The appellant’s conduct in pointing the knives and issuing a death threat was sufficient to satisfy the actus reus as required under Section 503, which involve threatening a person with injury to body, reputation, property, of himself or any other person of his interest. Regarding the mens rea, the appellant’s specific intention to cause alarm fulfilled the mental element required by the statute. Consequently, the court held that the prosecution had proven the offence beyond reasonable doubt, and the appeal against conviction was dismissed. The sentence was varied to a fine of RM10,000 in default six months imprisonment.

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Distinguishing conduct crime and result crime

The following table provides a comparative overview of conduct crimes and result crimes, reflecting the patterns identified in the analysis section (*Table 3*).

***Table 3**. Distinctions between conduct crime and result crime.*

Aspect	Conduct crime	Result crime
Definition	Conduct crime refers to offences where criminal liability arises from the completion of a prohibited act, regardless of whether any harmful consequence occurs. The offence is considered complete once the wrongful act is carried out by the offender.	Result crime refers to offences where criminal liability depends not only on the commission of an act, but also on the occurrence of a prohibited consequence. The focus is places on the result, as liability arises only when the act leads to a legally recognised harmful outcome.
Nature of the act	Involves an act which may be neutral or positive in nature, however, it becomes unlawful when it is prohibited by law. The wrongfulness lies in the act itself rather than its consequences.	Involves an act which becomes criminal only when it caused a harmful consequence. The existence of the offence depends on the result caused by the accused's conduct.
Liability	The offender is liable once the prohibited act is completed, regardless of whether harm or damage occurs. Liability arises from the breach of statutory prohibition, which criminalises the conduct itself.	Criminal liability arises only when the prosecution successfully proves both the act and the resulting consequence, together with a causal link between them. This requires proof that the accused's conduct directly contributed to the prohibited result.
Punishment	Punishment is imposed based on the prohibited conduct as prescribed by statute, regardless of outcome.	Punishment depends on the seriousness of the result and the level of *mens rea*.
Stigma/Public view	Conduct crimes are often perceived as less serious by the public, as they may not immediately result in visible harm. However, the seriousness depends on the nature of the offence.	Result crimes are generally viewed as more serious because they involved substantial harm, which directly affects public safety and welfare.
Example	Drug possession, bribery, and driving without licence.	Murder, culpable homicide, causing grievous hurt.

Understanding Mala in Se and Mala Prohibita Offences

A common illustration of mala in se crime is culpable homicide not amounting to murder under Section 299 of the Penal code, as seen in Public Prosecutor v Mohd Fadil bin Zainan [2023] 9 MLJ 604. In this case, the accused severely assaulted his wife by beating, slapping, kicking, and using a broken cup and a lighter to inflict injuries on her face and hands. The victim, who suffered from epileptic, later collapsed, experienced seizures, and become unconscious. The accused called an ambulance the next morning and surrendered himself to the police. She was admitted to a hospital but died two days later due to a head injury caused by blunt force trauma, as confirmed by the post-mortem report. The accused was convicted under Section 304(b) of the Penal Code. This crime is categorized as mala in se because the act of inflicting violent physical harm is inherently immoral and universally recognized as evil, regardless of statutory prohibition. In contrast, a clear instance of a mala prohibita crime is exceeding the speed limit under Section 40 of the Road Transport Act 1987. Driving at 120 km/h in a 90 km/h zone is not universally viewed as inherently evil. However, it is still prohibited by law to ensure public safety. In these types of cases, the prosecution does not need to prove the driver's mens rea, as the mere fact that the prescribed speed limit was exceeded, which is the actus reus, is sufficient to establish a crime. This demonstrates how mala prohibita crime often function as strict liability crimes, focusing on the preservation of public welfare rather than morality.

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The distinction between conduct crimes and result crimes in Malaysian law illustrates how criminal liability may arise either from the prohibited act itself or from the consequences caused by the act. This distinction highlight the importance of establishing a clear causal link between the accused's action and the unlawful outcome, particularly in offences where harm must be proven. This is to ensure that liability is only imposed when the conduct has substantially contributed to the unlawful outcome, rather than arbitrarily. Furthermore, the requirement of both actus reus and mens rea reinforces fundamental of crimes by ensuring that criminal liability is not based solely on the occurrence of harm, but also on the unlawful and dangerous act of the accused. This dual requirement limits the scope of liability by excluding individuals who may have caused harm without necessary mental element, thereby reducing the risk of unjust conviction. At the same time, it strengthens the legitimacy of the criminal justice system by aligning punishment with moral blameworthiness. In addition, the classification of offences into mala in se and mala prohibita demonstrates the scope of criminalisation within Malaysian law. While mala in se offences justify punishment based on their inherently harmful nature, mala prohibita offences reflects the legislature's role in regulating act for the purpose of maintaining order and societal stability. This indicates that criminal law does not solely based on moral wrongdoing, but also functions as a tool of social regulation. This principle collectively illustrates that criminal responsibility in Malaysian law is structured through legal and evidential requirements. The crucial role between conduct and result crimes, together with the necessity of proving both elements of crime, ensures that liability is only imposed where both legally and factually justified. This approach ultimately supports a fair and consistent application of law in Malaysia.

Conclusion

The study of criminal law demonstrates that liability cannot be established and imposed towards an individual without both guilty act and blameworthy mind, as each element holds a separate yet complimentary role in determining criminal responsibility. Through these principles, the law distinguishes between different forms of offences and ensures that liability is imposed fairly and proportionately. Additionally, the balance between the act, the intention, and the nature of the offence reflects the law's commitment to upholding justice. For instance, the law ensures that individuals are held accountable for their deliberate wrongdoing while also protecting them from unjust punishment. It is undeniable that understanding these concepts and their underlying principles is crucial for every individual who participates in the legal field, particularly for law students who aspire to become criminal lawyers, as they will apply these foundations in future legal practice and case analysis. At the same time, understanding the doctrine of criminal liability not only strengthens legal reasoning but also shapes the moral and ethical judgement of future practitioners. The principles discussed remind us that criminal law is not merely about punishment but is equally concerned with upholding justice, fairness, and accountability within society. To sum up, learning these distinctions is not merely academic as it can help an individual in analysing cases, interpreting statutes, and even appreciate how the law functions to meet the demands of justice and morality.

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Conflict of interest

The authors confirm that there is no conflict of interest involve with any parties in this research study.

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