



How to cite this article:

Zuliza Mohd Kusrin, Abraham Roseliza-Murni, Wafaa Yusof, Zaini Nasohah, Mohd AlAdib Samuri, Nurul Ilyana Muhd Adnan & Zahidah Dahalan. (2023). People with autism and the propensity for law-breaking: A special education teachers' perspective. *UUM Journal of Legal Studies, 14(2)*, 509-533. <https://doi.org/10.32890/uumjls.2023.14.2.4>

PEOPLE WITH AUTISM AND THE PROPENSITY FOR LAW-BREAKING: A SPECIAL EDUCATION TEACHERS' PERSPECTIVE

¹Zuliza Mohd Kusrin, ²Abraham Roseliza-Murni, ³Wafaa Yusof, ⁴Zaini Nasohah, ⁵Mohd Al Adib Samuri, ⁶Nurul Ilyana Muhd Adnan & ⁷Zahidah Dahalan

^{1,3,4,5,6&7}Research Centre of Shariah, Faculty of Islamic Studies
Universiti Kebangsaan Malaysia, Malaysia

²Centre for Research in Psychology and Human Well-Being (PsiTra),
Faculty of Social Sciences and Humanities,
Universiti Kebangsaan Malaysia, Malaysia

¹Corresponding author: zuli@ukm.edu.my

Received: 17/8/2021 Revised: 28/2/2023 Accepted: 9/4/2023 Published: 31/7/2023

ABSTRACT

Autism is a subtype of neuro-developmental disorders, that causes the afflicted person to have social skills deficit, which then manifests into their behaviours. Behaviours that are typical among persons with autism, such as obsessions with daily routine, difficulties in understanding abstract matters and codes of conduct may expose them to engage in indecent acts in public or exhibit other forms of risky behaviours that violate social norms and break the law. The objective of this research is to study the behaviour of persons with autism who tend to break the law based on the perspective of teachers

at autism centres in Malaysia. Data were collected through focus group discussion (FGD) with 25 special education teachers who were directly involved in the process of early intervention and education of children with autism. Data obtained were then analyzed descriptively and thematic analysis was conducted to obtain the recurring themes. Results of FGD demonstrated that the frequently emerging themes of rule-breaking behaviors committed by persons with autism are physically hurting others, setting buildings on fire (arson), vandalism of public property, theft, sexual and cyber offences which are considered criminal acts under the Penal Code and the Shariah Criminal Offences State Enactment/Act. Most research participants, however, considered these behaviors to be part of the individual with autism behavior and thus do not consider them serious enough to report to law enforcement for investigation and prosecution. Thus, it is recommended that teachers, parents, and caretakers be more attentive to preventing high-risk behavior of persons with autism through ongoing early intervention programs tailored to meet the needs of persons with autism. Research findings can help society to better understand autistic behavior that needs timely intervention, so it will not lead to an investigation by the police or criminal prosecution.

Keywords: Autism, behaviour, in conflict with the law, teachers' perspective, criminal offences.

INTRODUCTION

According to *The Diagnostic and Statistical Manual of Mental Disorders*, 5th Edition (American Psychiatric Association [APA], 2013) autism spectrum disorder (ASD) is categorized as a neuro-developmental disorder. As a spectrum, autism is characterised by a variety of problems ranging from deficits in social skills, communication and imagination (APA, 2013) to restrictions in interest and behaviour as well as engaging in stereotyped and repetitive acts (Osman & Hatina, 2019). Persons with autism may also engage in unusual behaviours that can lead to a tendency to break the law, whether as a perpetrator or even victims. ASD varies in severity and the symptoms affect the persons' ability to function properly, be it in school, work or other important areas of their life. Its severity is categorised into three levels ranging from mild, moderate to severe (APA, 2013), which subsequently determine the functionality level and behavioural disruption experienced by persons with autism.

One of the indicators in determining the diagnosis of ASD or autism for short, is the problem of communication, their inability to socially interact verbally or nonverbally, and the difficulties in understanding the codes of conduct (APA, 2013; Ray, 2021; Whitbourne, 2020). This inability to understand the codes of conduct may cause persons with autism to exhibit high-risk behaviour, which may inadvertently lead to breaking the law. In other words, the difficulties and deficits experienced by persons with autism may lead to violation of social norms and breaking the law.

The definition of persons with disabilities in section 2 of the Persons with Disabilities Act 2008, includes persons with autism as disabled persons— “ include those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society.” The Ministry of Social Welfare issues Disabled Person cards to individuals diagnosed with autism as a legal document to prove their disability status (Zulazhar et al., 2020), which is important for reference by enforcement officers during any legal process, conviction, and sentencing.

Some of the past documented cases showed that persons with autism are at risk of involvement in crime from various aspects. As evidence, the situation in some countries shows that more people with autism are imprisoned compared to the general population (Allely, 2015) and usually, some of them have comorbid psychiatric problems (Freckelton, 2011). Also documented are cases of extreme behaviours such as hacking, hurting others, sexual assault, vandalism (destroying public property), arson (setting fire to premises), and so on. Malaysian media rarely covers and reports cases in which crimes are committed by people with autism. Perhaps this is due to the collectivistic culture and high level of tolerance prevalent in Malaysia. The absence of reported cases provides the impression that the situation is not dangerous and that the conduct that violates social norms is not unusual. However, to what extent is this argument valid? Is it to be understood that the absence of reported cases means persons with autism in Malaysia do not break any of the laws at all?

One of the main symptoms of autism, such as poor understanding of the codes of conduct, may put them at risk of committing behavior that deviates from or violates social norms. Some of these behaviours are even crimes under the Penal Code and Shariah Criminal Offences

State Enactments. Therefore, a series of interviews and discussions were held with special education teachers for the purpose of identifying persons with autistic behaviours who tend towards breaking the law so that these may be avoided and monitored or controlled from becoming serious offences punishable by law. Secondly, this research aims to find out what perceptions and experiences special education teachers at autism centers have regarding the behavior of autistic students. This study aims to examine how teachers at autism centers in Malaysia perceive the autistic tendency to break the law.

LITERATURE REVIEW

Children diagnosed with ASD experience deterioration in communication and social skills as well as exhibit difficult behaviour frequently labelled as “asocial”. They also have a limited imagination, resulting in limited scope of interest (Hasnah et al., 2010). For example, repetitive behaviour, uncontrollable emotions, loss of focus and being easily distracted, affect their perception and understanding of others (Mastura & Mimi, 2014). Hence, family support is much needed (Hall & Graft, 2011). The stress of parenting and looking after autistic children is different and challenging compared to that of typical children (Dyson, 1997).

Persons with autism in the high functioning category do not show intellectual impairment but may show deficits in communication, recognition of emotions and expressions, as well as social interaction, which is said to make them more prone to violating social norms and breaking the law. Persons with high-functioning autism are thus able to leave their homes and engage directly with society (Norasmah, 2021), thereby exposing themselves to external influence. Despite some of them having high IQs and ideas, their difficulty in regulating emotion and controlling instincts still makes them prone to be involved in criminal offences without realizing it (Rahmawati, 2021). In contrast, persons with low-functioning autism are closely monitored by their parents or guardians because they lack skills in finding themselves and communicating verbally. Hence, low-functioning individuals with autism are more prone to exhibiting behaviors that are dangerous to others, such as tantrums and aggressive behaviors. As such, their behavior can be categorized into three aspects namely, emotional, acts, and sensory.

a) Emotional Aspect

An individual with autism is complex. The mind is blind to other people's thinking, including their emotions, feelings, and beliefs. This situation causes them weakness in socializing and communicating. They also demonstrate repetitive (Osman & Hatina, 2019) and stereotype behaviours (APA, 2013).

Emotion regulation refers to a method of controlling various emotions and behaviour, and these aspects are lacking in persons with autism due to sensory disturbances and crises (Norakyairee, 2020). Emotional disturbances may also cause persons with autism to vent their anger or throw tantrums by destroying property and so on (Norazmah, 2021), such as damaging a chair and scribbling on walls (Rahmawati, 2021). Due to their difficulties in interacting and socializing, they are unable to express their needs and desires properly, so they act in an emotional way.

Just like any normal person, those with autism also experience sexual or mating arousal (Lai et al., 2015). This sexual behaviour begins with changes in the biological organs from the maturity of the reproductive organs, and it also involves emotions. However, for persons with autism, handling sexual arousal can be difficult and some of them may exhibit sexual behaviour in public places because they fail to understand that it goes against social norms (Freckelton, 2011; Fariza et al., 2017). It is rather worrying because they may act to the extent of committing rape, causing injury and trauma to another individual (Freckelton, 2011). Other inappropriate sexual behaviours that have been reported include indecent touching of others, kissing the lips and breasts of friends, groping and so on (Zuraini & Zuliza, 2018). These findings are in line with Hellemans et al. (2007) suggestion that autistic adolescents are less experienced in sexual relationships and only exhibit various inappropriate sexual behavior.

b) Act/Actions

Persons with autism may demonstrate aggressive and hyperactive acts (Muhd Haziq & Nurul Akma, 2019). Aggressive behaviour more or less endangers others around them and the victims are usually the closest individuals, such as family members. Aggressive behaviour frequently includes clenching fists, throwing things, pinching, kicking,

pulling hair, strangling, banging the head and screaming, which usually happen when they are in distress.

The effect of such negative behaviour may cause injury not only to the individual concerned but to others as well. Likewise, at school, a teacher is outnumbered by students limiting his movements to monitor them carefully. Even a teacher may become a victim of aggressive behaviour, for example, getting forcefully hit behind the chest (Zubir, 2021). The action was not viewed by the public as malicious, but they misunderstood it as simply a casual joke and greeting without thinking about the consequences. Furthermore, hyperactive behavior includes a tendency to run around, restlessness (cannot sit still) and also to clutter things. Almost all parents of children with autism have experienced losing their children, especially in public places.

Lack of social skills and inability to regulate emotions in individuals with autism spectrum disorder cause them to potentially hurt other people. This happened in Canada in the case of *R v Kagan* (2007) 261 NSR. In this case, Mr. Kagan was found guilty of injuring Mr. Kinney by using a “bear spray”, which contained a dangerous active material such as in “pepper spray”, and then stabbing Mr. Kinney in the back, causing serious injury in a conflict between them. Mr. Kagan had Asperger’s disorder.

Individuals with Asperger’s disorder/syndrome have a high rate of experience with the police (Turcotte et al., 2018). They are found to be involved in criminal cases such as arson, murder, physical violence, trespassing and destroying others’ property. In the case of *Glover v Police* (2009) HC 1150, which happened in New Zealand, Mr. Glover, who had Asperger’s syndrome, destroyed Mr. Bauer’s property. It was believed that the motive for his action was dissatisfaction that Mr. Bauer had taken over part of his premises. However, a license to extend the area was given by the government to Mr. Bauer. Mr. Glover claimed to be the Road Safety Officer and damaged Mr. Bauer’s farm, causing him a loss. Later, the prosecution brought the case right up to the High Court. The Court sentenced Mr. Glover to a fine of only \$NZ30 and 40 hours of community service due to the attenuating factor of his Asperger’s syndrome.

Criminal cases which occurred from other aspects included sexual crimes. For example, in the case of *DPP v HPW* (2011) VSCA 88 in

Australia, HPW, aged 47 years, who was diagnosed with Asperger's syndrome, was found guilty at first on eight charges, three of which involved sexual abuse of his biological daughter when she was aged 11 to 12 years, by committing sodomy, oral sex, masturbation and fetishism. The majority decision held the opinion that such cases were caused by lack of social interaction, limited interest and deterioration in social relationships as well as deficient empathy (Freckelton, 2011). But the Court of Appeal found that the lower court had erroneously found a causal connection between the defendant's Asperger's syndrome and his sexual offences, and increased the jail sentence. The Court of Appeal did not accept the plea on HPW's behalf that he had misread his daughter's behavioural cues as encouraging him to engage in sexual conduct. Asperger's syndrome did not excuse him from moral culpability but was considered only a mitigating factor in sentencing.

c) Sensory Aspect

Persons with autism also experience sensory sensitivity. Sensory integration is a term referring to the nervous system receiving information from the environment through the senses and spontaneously converting them into motor response and appropriate behaviour (Ministry of Health, Malaysia). However, sensory processing disorder (SPD), or also known as sensory integration dysfunction, may interfere with one, a part or all of the senses. One sensory dysfunction will affect a number of bodily functions and cause sensory information sent to the brain to be inaccurate, information becomes disorganized and the individual will interpret the environment differently (Sunil Bhatt et al., 2017).

Sensory characteristics such as intolerance of noise, for example, frequently happen in persons with autism. Noise sensitivity may make persons with autism react aggressively when they hear an intolerable sound. The person may hide in the cabinet, crawl under the blanket, close his ears or roll around. These behaviors may occur anytime and anywhere, including in public places.

Hence, early intervention is much needed to control the behaviour of persons with autism. The intervention may include a process of providing services, education and support to the vulnerable, including children at risk or suffering from delayed physical or mental

development, which may hinder further development and learning (Liew Ping Yee & Manisah, 2008). This early intervention is also important to help improve the quality of life and teach the required skills to persons with autism (Hasnah, 2010). Early intervention may also be a stepping stone towards alleviating persons with autism from committing acts that break the law and subsequently lead to prosecution in court.

The difference in the degree of severity between high-functioning and low-functioning autism clearly calls for a different intervention approach. Persons with high-functioning autism are seen as having an easier time adapting to education since their level of thinking is similar to that of a typical individual (Liew Ping Yee & Manisah, 2008). Hence, intervention needs to be implemented earlier for fear of declining IQ. If the intervention is delayed and not given at the right time and circumstances, their conditions may deteriorate. Although there is no cure for autism, with the right interventions, they can minimise the deficits experienced by persons with autism (Mohd Syukri et al., 2018).

In Malaysia, variations in intervention approaches are applied by special education teachers to shift the focus of autistic children to other matters which can distract them from excessive behaviour such as tantrums, sexual behaviour, and so on. Interventions are available using folk stories, which synergize brief explanations by the teacher and the use of audio or visual aids relating to the topic conveyed repeatedly (Zuliza et al., 2020).

Special education teachers utilize threat methods, such as informing parents or guardians who autistic children typically fear. If a child with autism throws a tantrum, the teacher will straightaway contact his parents or isolate him in a special room (Zuraini & Zuliza, 2015). The goal is to stop or control his behavior, although this measure is only temporary and varies depending on the child's needs.

RESEARCH METHODOLOGY

This research adopted a qualitative design using the methods of content analysis and focus group discussion. Due to the COVID-19 pandemic control measures imposed by the government, there were constraints to crossing state borders for the process of gathering data.

Therefore, the interviews with special teachers were conducted online via the Google Meet application. Based on the research objective, this method was selected to identify the tendency of persons with autism to break the law.

In all, 25 teachers (21 Malays and 4 Chinese) participated in this study, selected through purposive sampling. The selection criteria were:

- a. Teachers involved in education for adolescents with autism in Malaysia, such as NASOM Centre at Kuantan Pahang, PKIB at Bangi, Selangor and Secondary Schools with Integrated Special Education Programs (rural category) in the states of Selangor, Sabah and Sarawak;
- b. Teachers who taught special education for more than five years;
- c. Teachers who resided in Malaysia, whether in cities or rural areas.

Special education teachers were invited to participate as research informants. A consent form was attached to the invitation letter to the research informants. Both parties agreed to use the findings of the research only for academic purposes in the consent form. The interview sessions were conducted online and recorded with the informants' consent. Once the interview session was completed, the data were manually transcribed. Researchers then generated codes from the data and categorized it into a number of particular groups, and analyzed it using a descriptive and thematic approach based on the research objectives. The participants provided their responses based on their observations of and experiences with children with autism.

Additionally, five semi-structured focus group interviews were conducted from December 2020 to March 2021. The sessions lasted between 1 and 2 hours, depending on the topic and issues discussed. Before interviewing, the research objectives were clarified.

RESEARCH RESULTS AND DISCUSSION

Results of the interviews with 25 special education teachers found that the law-breaking acts committed by persons with autism include: arson (setting fire to properties), attempts to hurt others, theft, vandalism (destroying public property), and sexual and cyber-crimes.

Table 1

Persons with Autism and Propensity for Law-Breaking

No.	Autistic act	Relevant law	Frequency of response given
1.	Setting fire to properties	Penal Code- Section 436 - Mischief by fire or explosive substance with intent to destroy a house, etc. Punishable under Section 438 with imprisonment, which may extend to 20 years and shall also be liable to a fine.	6
2.	Causing hurt	Penal Code- Sections 321/322 - Voluntarily causing hurt or grievous hurt. Punishable under Sections 323/325 - Imprisonment up to one year or fine up to RM2000 or both. Imprisonment up to seven years and a fine.	18
3.	Taking another's property or stealing	Penal Code- Section 378 - Theft is intending dishonestly to take movable property out of the possession of any person without his consent and moving that property in order to such taking. Punishable under Section 379 (with imprisonment up to seven years or with fine or both, and for the second or subsequent offence, with imprisonment and fine or whipping) and Section 379A (theft of motorbike or its component, with imprisonment of not less than one year and not more than seven years and liable to fine)	12
4.	Sexual offence	● Penal Code- Section 377D - Outrage on decency—any person who, in public or private, commits or abets the commission of, or procures or attempts to procure the commission by any person of any act of gross indecency with another person. Punishable with imprisonment up to two years.	25

(continued)

No.	Autistic act	Relevant law	Frequency of response given
		<ul style="list-style-type: none"> ● State Shariah Criminal Offences Enactment. Sections 20-29 of Shariah Criminal Offences (Federal Territories) Act 1997 – Part IV - Offences relating to violation of ethics and morals, such as incest, prostitution, <i>muncikari</i>, illicit intercourse, preliminary acts to committing out-of-wedlock intercourse, <i>khalwat</i>, indecent acts in public places. Upon conviction, liable to a maximum fine of not more than RM5000 or imprisonment of not more than three years or whipping of not more than six strokes, or any combination of punishments. 	
5.	Cyber offence	Penal Code- Section 468 - Forgery for the purpose of cheating with intent to use forged documents for the purpose of cheating is punishable with imprisonment upto seven years and liable to a fine.	6
6.	Destruction of public property or vandalism	Penal Code- Section 425 - Mischief— any person with the intent to cause, or knows he is likely to cause wrongful loss or damage to the public or any person, causes destruction of the property, or any such change in any property or in the situation thereof, destroys its value or utility, or affects it injuriously. Punishable under Section 426 with imprisonment up to three months, or with a fine or both. If the damage is worth RM25000 or more, under Section 427 , the punishment is imprisonment for up to two years or a fine or both.	12
Total respondents			25

Source: Analysis of data from focus group interviews with special education teachers by the researchers (2020-2021)

The table demonstrates some of the law-breaking behaviours committed by persons with autism, as stated in the Malaysian Penal Code (Act 574) and the respective Shariah Criminal Offences State Enactment/Act (This discussion refers to the Shariah Criminal

Offences [Federal Territories] Act 1997). Further discussion analyses the behaviours frequently demonstrated by persons with autism as reported by the informants in interviews.

a) Setting Fire to Premises (Arson)

Research results found that six informants cited that there was once a case of setting fire to premises involving children with autism at their school. Setting fire to premises is considered mischief stated in Section 436 of the Penal Code-mischief by fire or explosive substance with intent to destroy a house, etc. The matter was informed by the teacher as follows:

“There were many cases, beating, stealing, even setting fire; like, there was this student, he resented that a shop was opened next to his home so that his family had to move out, so he did not like it, he set fire to that shop.”

(Informant 1, Group 4, 2021)

The resentment factor and inability to regulate emotions experienced by the person with autism were demonstrated through a protest that propelled him to act without considering the danger of the situation, which may harm others or himself (Informant 1, Group 4, 2021). This unexpected reaction could be due to the lack of understanding regarding codes of conduct (APA, 2013; Ray, 2021; Whitbourne, 2020) as well as deficits in social interaction and communication (Freckelton, 2011). The above incident illustrates the difficulties experienced by persons with autism in understanding social norms and morality, thinking abstractly, as well as controlling their emotions. Thus, this deficiency causes them to act violently, throw tantrums, or become volatile, regardless of whether it is trivial or happens incidentally (Muhd Syukri, 2018). The lack of emotional regulation and control is rather worrying since the behavior can subsequently lead to bigger repercussions and legal culpability. This is explained as follows:

“He does something without knowing it is wrong, he does it because he wants to but there are some who use the Disabled or Autism “license” to do the crime because they know they will be excused.”

(Informant 1, Group 4, 2021)

Even though a large number of those with autism fail to realize that their behaviour may constitute breaking the law, some of them take advantage of their naivety to satisfy their emotional desires (Zuraini, 2015). This behaviour needs to be curbed in order to avoid harming the public and themselves.

b) Hurting Other People

Aggressive behaviour such as beating, kicking and throwing things are frequently demonstrated by persons with autism who are distressed. This constitutes a big challenge for parents, guardians and teachers in dealing with them. In fact, 12 informants admitted that adolescents with autism commit the crime of hurting others. Section 319 of the Penal Code defines hurt as bodily pain, disease or infirmity caused to any person and Section 320 defines grievous hurt. Sections 321 and 322 state the conditions of intention or knowledge of the likely harm done for the crimes of voluntarily causing hurt or grievous hurt. Sections 324 and 326 define voluntarily causing hurt or grievous hurt by dangerous weapons and means. They are punishable with imprisonment of one year or three or seven up to 20 years and a fine or whipping. The informants believed it is not uncommon for teachers to be victims of physical harm. This is stated as follows:

“At the time, I was pulling the weeds when an autistic student passing by me patted me on my back as hard as he could. It really hurt, breathless, I think he meant to be friendly and greet me and the second student hit me with a broomstick.”

(Informant 4, Group 3, 2021)

What started out as an attempt to joke or communicate but using an inappropriate method affects not just others but also the persons with autism themselves, as their acts may be misunderstood as intentions to cause harm to others. According to Informant 4, Group 3 2021, excessive behavior such as using a hazardous object, in this instance, a broomstick, puts people at risk of injury or even death, even though it was done without the intent to harm others. Risky behaviours that have the potential to hurt others should be eliminated earlier in order to keep them from becoming routine. Ultimately, it may become a criminal matter (Alley CS, 2015). In order to prevent those behaviours, diplomatic approaches or clear, unequivocal reprimands after the

incident are effective in instilling “fear” in persons with autism. One informant said:

“I prefer the diplomatic approach and that day, I called him over and said, ‘This action is not right, I am not your friend, that was not the way to greet a teacher because it hurt me.’ At least he (now) knows it was wrong.”

(Informant 4, Group 3, 2021)

Teachers and parents’ appropriate action plays an important role in restraining or inhibiting individuals with autism behavior that violates social norms. Further, close individuals such as parents are able to stop their aggressive behaviour by using threats (Hellemans, 2007). This matter deserves attention because individuals, who educate them, such as teachers, are able to comprehend that their actions are the result of their inability to understand others’ perspectives and feelings due to a deficit, in the theory of mind (mind blindness). However, teachers’ high tolerance and understanding of autistic natural characteristics make them perceive wrongful behaviours as normal, as in the following statement:

“We are used to it. Sometimes he gets angry, and he can beat others, go berserk, throw things around and even bite himself. We understand them, but outsiders might misunderstand and consider them dangerous.”

(Informant 5, Group 5, 2021)

Behaviors like biting and beating leave an autistic person with negative consequences, leading to an increase in hospitalization each year (Wong, 2015). Thus, the use of interventions in education by teachers and parents is necessary (Zuliza, 2020) to ensure that autistic behaviour does not become persistent and severe. It is because if the acts are reported to law enforcement, they can be charged under Sections 321, 322, 324 or 326 of the Penal Code, causing hurt or grievous hurt, without or with dangerous weapons or means, punishable with imprisonment (from 1 or 3 or 7 or up to 20 years) and fine or whipping.

c) Theft

Taking or removing the property of others without the owner’s knowledge can result in a legal charge of theft. Research results prove

that there was a case of theft by an autistic person who was prosecuted in court in the year 2018 (Informant 1, Group 3, 2021). It seems like an isolated instance that did not get much coverage, but the autistic person was arrested and held according to standard procedure, with all parties involved, including the parents and teacher.

The crime of theft is found in Sections 378 and 379A of the Penal Code (specifically, theft of a motorcycle or a portion of it) - taking dishonestly moveable property from one's possession without consent and moving that property for that purpose. This behaviour was explained by the informant as follows:

“Actually, this was an isolated case, aged 16 years. It happened outside the school when one of them was arrested by the police for allegedly stealing a motorcycle. The problem was that it was his neighbour's motorcycle that he merely moved, but the neighbour reported that he had stolen it, so the police arrested him, and we gave the explanation that he was a special education autistic student.”

(Informant 1, Group 3, 2021)

Obsessions and repetitive acts are among the core symptoms of autism (Hall & Graff, 2011). As such, autistic persons may be obsessed or become intrigued with something such as a spinning motorcycle tyre or a revolving door. It is possible that the case demonstrates an autistic person's obsession and interest in motorcycles, so much so that he removed the motorcycle from his neighbour's compound and he was charged with theft. This case was retold by the student's class teacher who had become his witness. It was found that the adolescent with autism had only moved his neighbour's motorcycle but it was reported to the police and legal action was taken against him. The defendant underwent standard pre-trial procedure as there was no SOP for managing a person with autism at the time, and this process was to determine if there was sufficient evidence to go to trial. He was brought for prosecution before the court. As stated earlier, persons with autism also experience deficits in verbal and social communication skills (APA, 2013; Ray, 2021; Whitbourne, 2020). These deficits cause them to have difficulties understanding simple conversations. The following is an example of verbatim taken from the interview as stated by the defendant's teacher:

“This student only knew how to nod. When asked, ‘Did you intend to steal?’ He nodded. ‘Did you intend to sell it?’ He nodded. He had no idea of the implications of his nods; up to a certain point, he did not care less about the trial date. Likewise, while on trial, he did not understand the charge or its effect.”

(Informants 1 & 4, Group 3, 2021)

Failure to understand and the nodding action without realizing it can implicate them to be culpable for theft under the Penal Code, Section 378 and punishable under Section 379, punishable with imprisonment up to seven years, or liable to a fine, or both, and for a subsequent offence, with imprisonment and fine or whipping, or under Section 379A (for theft of motorcycle or its component), with imprisonment of not less than one year and not more than seven years, and liable to a fine. All parties should appropriately pay attention to this usual autistic behaviour, for example, by applying a legal literacy module at schools as an intervention to educate them on certain legal matters related to their misconduct (Zuliza et al., 2020).

d) Sexual Behaviour

The sexuality issue among persons with autism is not something new. There is evidence of them experiencing sexual arousal because of not getting proper religious education to control themselves (et al., 2017). As evidence, all informants agreed that criminal sexual behaviour occurs among them.

Criminal sexual behaviour includes offences stated in the Penal Code, under Section 377D, on outrages on decency—any person who, in public or private, commits or abets the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency, shall be punished with imprisonment for a term which may extend to two years.

This offence is also provided in the Shariah Criminal Offences State Enactment (This research refers to Shariah Criminal Offences [Federal Territories] Act 1997), in Part IV, under Sections 20-29, offences relating to decency, including prostitution, incest, *muncikari*, sexual intercourse out of wedlock and preparatory acts for such intercourse, *khalwat*, lesbian sex, sodomy, men who pose as women (transgender

for immoral purpose and indecent acts in public places. These offences, upon conviction, are punishable by a fine of not more than RM5000, or a jail term of not more than three years or whipping of not more than six strokes or any combination of the punishments. Section 29, in particular, provides for any person who, contrary to Islamic law, acts or behaves in an indecent manner in any public place shall be guilty of an offence punishable with a fine not exceeding RM1000 or with a jail term not more than six months or both.

Indecent acts or behaviors are treated seriously because almost all of the informants had come across autistic persons who engaged in sexual misconduct, as expressed in the following:

“There are some who have the desire for the same sex, holding on together wherever they go.”

(Informant 1, Group 1, 2020)

“Like masturbation, kissing, lifting the teacher’s skirt, and groping. That is right, maybe embracing like when we meet and greet, *I love you dear*, maybe for typical people, it is not decent.”

(Informant teachers, Group 3, 4, 5, 2021)

“He unfastened his pants and put his hand on his genital and rubbed it, and another student, when he sees a girl’s picture, he will kiss the picture and pose in action like he is doing the *project* with the wall or the chair.”(Informant 5, Group 3, 2021) “We found one who was already on top of his partner.”

(Informant 1, Group 4, 2021)

The physical maturity that does not correspond to the mental maturity of an autistic person leads to his inability to control his sexual arousal regardless of the surrounding circumstances (Zuraini & Zuliza, 2017). The challenge of arousal faced from various sources, such as social media, also contributes to arousal and law-breaking (Stokes & Kaur, 2005). In fact, some of the sexual behaviors described by the teachers are listed in the Shariah Criminal Offences State Enactments, such as indecent acts in public places and preparatory acts to fornication. These offences are stated in Sections 20-29 of the Shariah Criminal Offences (Federal Territories) Act 1997.

Excessive behaviour, as stated by Informant 5, Group 3, 2021, is a violation of decency under Section 377D of the Penal Code. Similarly, homosexual desire, if not curbed, can cause them to be exposed to the risk of committing sexual offences such as incest under 376A of the Penal Code and Section 20 of the Shariah Criminal Offences (Federal Territories) Act 1997.

Teachers employ a variety of methods to control excessive sexual desires, such as telling students to place their hands on tables and making threats (Informant 2, Group 3, 2021). In order to inhibit persons with autism from acting outrageously, the use of threats promotes “fear” in them (Woodbury-Smith, 2010).

e) Cybercrime-related Behavior

The rapid development of technology and information has undoubtedly provided many beneficial facilities and more efficient communications. However, behind all this is the alarming rise of misuse by irresponsible parties who use cybermedia as a platform for committing crimes (Muhammad Asyraf et al., 2013). This situation may attract and trap some of them to be involved in cybercrime.

As evidence, several cases in schools in Sarawak involved individuals with autism committing theft at first and ended with the crime of forging documents. Forgery is stated in Section 468 of the Penal Code - forgery for the purpose of cheating—whoever commits forgery intending to use the forged document for cheating is punishable by a jail term of up to seven years and liable to a fine. This matter was stated by the informants as follows:

“Many times, the student firstly steals a pen drive then changes its name and ownership and makes it his own; he alters all the information inside.”

(Informant 3, Group 5, 2021)

“Yes, the one who can reach up to this level is always high functioning. We do not know his motives, whether he just takes what he likes or whatever, but he can reach that level.”

(Informant 4, Group 5, 2021)

It is probable the hacking activity is motivated by curiosity for something of interest, but the situation poses a risk of legal culpability for persons with autism, such as under Section 468 of the Penal Code. This falsification causes loss of data or information and damage to the device, which has certain software, and constitutes a cybercrime (Muhammad Asyraf et al., 2013). Upon conviction for this crime, the perpetrator shall be punished with imprisonment up to seven years and liable to a fine.

Cases like this frequently happen overseas in even more extreme forms, such as hacking government official data, or computer cyber or software trespassing, and so on (Freckelton, 2011). A person with autism may become obsessive as a result of their high curiosity and interest in something. A situation like this can lead to risky behavior that breaks the law. Deep interest and high curiosity that reaches an obsessive level need to be controlled so they do not engage in behavior detrimental to themselves and others.

f) Vandalism (Destruction of Public Property)

Adolescents often exhibit destructive behavior or vandalism. Muhammad Haziq et al. (2019) argued that such behaviors are a way to vent resentment or to get rid of boredom. According to research findings, 12 informants agreed that children with autism show the behaviour of damaging public property, especially in government schools. Vandalism is considered an act of mischief under Section 425 of the Penal Code- with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public, or any person, causing the destruction of any property, or any such change in anyproperty, or in the situation thereof, as destroys or diminishes its value or utility, or affects it injuriously. This matter was expressed by the informants as follows:

“Yes, there is. They scribble on walls, vandalism behaviour, throw chairs ortables.”

(Informant, Group 4, 2021)

“When he is in rage, he will damage the chair or anything.”

(Informant 4, Group 5, 2021)

In most cases, destructive behavior is the result of anger or protest. A person with autism who has poor verbal and non-verbal communication skills may act in a certain way to express their emotions. Moreover, this situation illustrates the difficulty of regulating emotions. If the situation is prolonged, it is feared that they will act beyond control and will be at risk of being culpable under Section 425 of the Penal Code for mischief, punishable under Section 426 with imprisonment up to three months or liable to a fine or both.

Destructive behavior due to emotional dysregulation should also be addressed, for example, by providing religious education at school and home (Mohd Syukri et al., 2018). People with autism spectrum disorders are seldom exposed to religious education or approaches since the focus is more on academic studies (Mohd Zaini, 2015). Muslims with autism can benefit directly from *solah* (prayer) as it can calm their minds and provide peace of mind (Nor Azah, 2011). Indirectly, this helps shape the personality and instills high morals in people with autism and prevents them from breaking the law. *Solah* and *zikir* may have a significant impact in helping the development of autistic children, just like what it does to normal children. Although the task of teaching and training autistic children to perform *solah* is not easy and, to some extent, challenging, it is indeed a parent's responsibility to guide them to perform this obligatory act of worshipping Allah SWT. Even though autism is a disability and quite a number of people with autism have low levels of intelligence, the authors believe that teaching them Islamic education, particularly to perform *solah* and *zikir*, may significantly benefit them in calming their nervousness and anxiety. This argument is in line with the research finding demonstrated by Doufesh et al. (2014), whereby changes in the autonomic nervous system were observed during *solah*. Specifically, changes that were observed involved the decrease in sympathetic activities and the increase in parasympathetic activities of the autonomic nervous system. Doufesh et al. (2014) suggested that performing *solah* regularly may promote relaxation, minimize anxiety and, at the same time, reduce the risk of cardiovascular disease. Mohd Syukri et al. (2018) also suggested that the anxiety experienced by autistic people can be reduced via *solah* psychotherapy. Listening to the Quran recitation can increase the brain's alpha waves which produce a state of wakeful rest, and this is equivalent to performing meditation. Indeed Alwasiti et al. (2010) considered *solah* as a form of meditation. Thus, teaching and training

autistic people to perform salah regularly will definitely benefit them physically, psychologically and physiologically.

CONCLUSION

Autistic people who suffer from neurological disorders have deteriorating communication skills and exhibit challenging behavior. This influences the frequently misunderstood actions that persons with autism exhibit. This research found that persons with autism tend to exhibit law-breaking behaviours such as setting fire to premises, hurting others, stealing, destroying public property, and sexual and cyber offences. There is a risk that this type of behavior will persist and that members of the public may report it to the police and take legal action against them to be convicted of breaking the Penal Code and the Shariah Criminal Offences State Enactment. Individuals with autism experience autism spectrum disorder, which influences their behavior and they are frequently misunderstood by others. Even though their behavior is considered dangerous, it is tolerated by society and considered less serious by those who understand their situation. Nonetheless, there is a need for a change in mentality so all parties involved—parents, guardians, teachers, and society, can adopt a caring and concerned attitude to protect persons with autism from committing social norm violations and breaking the law. All individuals should take responsibility for nurturing the character and high morals of persons with autism in order to ensure they are not entangled in criminal offences either as the perpetrators or exploited by criminals.

ACKNOWLEDGMENT

We express the highest appreciation to the sponsor, Research Group from Research Centre of Shariah, Faculty of Islamic Studies, Universiti Kebangsaan Malaysia (UKM) and the Ministry of Education, Malaysia, for the research grant of the topic “*Pembinaan Prosedur Operasi Standard (SOP) Tangkapan dan Pengendalian Tahanan Individu Autisme oleh Penguatkuasa Agama* (Constructing SOP for Arrest and Management of Autistic Detainees by Religious Enforcement Officers)” (Research Code- FRGS/1/2019/SS06/UKM/02/4).

REFERENCES

- Allely, C. S. (2015). *Autism spectrum disorder in the criminal justice system: Police interviewing, the courtroom and the prison environment*. University of Gothenburg.
- Alwasiti, H. H., & Aris, I., & Jantan, A. (2010). EEG activity in Muslim prayer: A pilot study. *Maejo International Journal of Science and Technology*, 4, 496–511.
- American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th Ed.). Washington, DC.: American Psychiatric Association (APA). DPP V. HPW (2011) VSCA, 88.
- Dein, K., & Smith, M. W. (2010). Asperger syndrome and criminal behaviour. *Advances in Psychiatric Treatment*, 16(1), 37-43. <https://doi.org/10.1192/apt.bp.107.005082>
- Doufesh, H., Ibrahim, F., Ismail, N. A., & Wan Ahmad, W. A. (2014). Effect of muslim prayer (*salat*) on an electroencephalography and its relationship with autonomic nervous system activity. *The Journal of Alternative and Complementary Medicine*, 20(7), 558–562.
- Dyson, L. I. (1997). Families of young children with handicaps: Parental stress and family functioning. *American Journal on Mental Retardation*, 95(6), 623-629. PMID: 1829374
- Eaves, L. C., & Ho, H. H. (1996). Stability and change in cognitive and behavioral characteristics of autism through childhood. *Journal of Autism and Developmental Disability*, 26(5), 557-569. <https://doi.org/10.1007/BF02172276>
- Everad, M. P. (1976). *An approach to teaching autistic children*. Oxford: Pergamon Press.
- Fariza Md.Sham, Salmihah Che Mud, Manisah Mohd Ali, Zuliza Mohd. Kusrin, Rosmawati Mohamad Rasit & Siti Norlina Muhammad. (2017). Islamic guidance for parents in dealing with sexual behaviour of adolescents with autism. *Hadhari Journal of Special Edition*, 169-182.
- Freckelton. I. (2011). Autism spectrum disorders and criminal law. In Mohammad Reza Muhammadi, *A Comprehensive Book on Autism Spectrum Disorders*. United Kingdom: Intechopen.
- Glover v. Police (2009). HC, 1150.
- Hall, H. R., & Graff, J. (2011). The relationship among adaptive behaviours of children with autism, family support, parenting stress and coping. *Issues in Comprehensive Pediatric Nursing*, 34(1), 4-25. <https://doi.org/10.3109/01460862.2011.555270>

- Hasnah Toran, Mohd Hanafi Mohd Yasin, Mohd Mokhtar Tahar & Noraini Saleh. (2010). Special educators' level of training, knowledge and confidence of individuals with autism. *Malaysian of Journal Education*, 35(1), 19-26.
- Hellemans, H., Colson, K., Verbraeken, C., Vermeiren, R., & Deboutte, D. (2007). Sexual behaviour in high functioning male adolescents and young adults with autism spectrum disorder. *Journal of Autism and Developmental Disorders*, 37(2), 260-269. <https://doi.org/10.1007/s10803-006-0159-1>
- Huwaidi, M. A., & Dagushtani, W. H. (2013). Sexual behaviour in male adolescent with autism and its relation to social sexual skills in the kingdom of Saudi Arabia. *International Journal of Special Education*, 29(2), 1-7.
- Sunil Bhatt, Jogiswer Goswami & Ajit Kumar. (2017). Role of movement-oriented program on sensory process related to children with autism. *International Journal of Physical Education, Sports and Health*, 4(1), 01-06.
- Laws of Malaysia. (1997). *Act 559, Syariah Criminal Offences (Federal Territories) Act 1997*. Laws of Malaysia. (2017). *Penal Code, Act 574 (Revised)*.
- Liew, P. Y., & Manisah Mohd. Ali. (2008). The practice of early intervention programs for autistic children according to parents' perspective. *Malaysian of Journal Education*, 33, 19-33.
- Mastura, B., & Mimi, F. Z. (2014). Early identification of autism spectrum disorder among young children. *IJUM Journal of Educational Studies*, 2(1), 67-89. <https://doi.org/10.31436/ijes.v2i1.25>
- Meng, C. L., & Cohen, S. B. (2015). Understanding autism in the light of sex/gender. *Molecular Autism*, 6, 24. <https://doi.org/10.1186/s13229-015-0021-4>
- Mohd Syukri Zainal Abidin, Che Zarina Sa'ari & Syed Mohammad Helmi Syed Abdul Rahman. (2018). Islamic psychotherapy approach for muslim children with autism. *Akademika*, 88(1), 65-73. <https://doi.org/10.17576/akad-2018-8801-05>
- Mohd. Zaini Mat Abas. (2015). *The secrets and uniqueness of the personality of children with autism in Malaysia*. Pulau Pinang: Islamic Science University of Malaysia (USIM).
- Muhammad Asyraf Ahmad Termimi, Muhammad Ikhlas Rosele & Syamsul Azizul. (2013). Cyber crime: A classification between al-Jaraim and al-Jina'i according to Islamic legal system. *International Seminar on Islamic Jurisprudence in Contemporary Society*. Academy of Islamic Studies, Universiti Malaya.

- Muhammad Haziq Mohd Sharif & Nurul Akma Jamil. (2019). The challenges of parents with children with autism spectrum disorder (ASD): A literature review. *Malaysian Journal of Social Science*, 4(1), 33-43.
- Nor Azah Abdul Aziz. (2011). Methods of overcoming stress with prayer (solat). *Journal of Islamic and Arabic Education*, 3(2), 1-10.
- Osman Lisut & Hatina Shuib. (2021, January 2020). Psychological needs of a normal autistic child. *Berita Harian*. <https://www.bharian.com.my/wanita/keluarga/2019/04/549161/keperluan-psikologi-biologi-anak-autisme-normal>
- R v. Kagan (2007). 261 NSR.
- Ray, W. J. (2021). *Abnormal psychology* (3rd ed.) Thousand Oaks, CA: SAGE.
- Stokes, M. A., & Kaur, A. (2005). High functioning autism and sexuality: A parent's perspective. *Autism*, 9(3), 266-289. <https://doi.org/10.1177/1362361305053258>
- Suhaily, M. S., & Siti Syuhada. (2017). Public awareness on the characteristics of children with autism in Selangor. *Malaysian of Journal Education*, 1(2), 73-8.b.
- Turcotte, P., Shea, L. L., & Mandel, D. (2018). School discipline, hospitalization and police contact overlap among individuals with autism spectrum disorder. *Journal of Autism and Developmental Disorders*, 48(3), 883-891. <https://doi.org/10.1007/s10803-017-3359-y>
- Whitbourne, S. K. (2020). *Abnormal psychology: Clinical perspectives of psychological disorders* (9th ed.). New York: McGraw-Hill Education.
- Wong. Y. S. (2015). Factors associated with stress of parents with children suffering from autistic spectrum disorders. *Doctoral Dissertation*. The Chinese University of Hong Kong. <https://doi.org/10.1080/17518423.2017.1326185>
- Zulazhar Tahir, Sridevi Thambapillay, Jal Zabidi Mohd Yusoff, Ahmad Saufi Abd. Rahman. (2020). Laws concerning disable persons: An analysis of legal development in Malaysia. *The Malaysian Law Journal of Social Administration*, 14, 96-114.
- Zuliza Mohd Kusrin, Al-Adib Samuri, Manisah Ali & Fariza Md. Sham. (2020). Intervention of individuals with autism concerning sexual behaviour. *MANU Jurnal Pusat Penataran Ilmu dan Bahasa*, 31(1), 121-137.

Zuraini Yaakub & Zuliza Mohd Kusrin. (2017). Sexual behaviour of individuals with autism. Bangi: The National University of Malaysia.

Zuraini Yaakub & Zuliza Mohd Kusrin. (2015). The intervention practice towards adolescent sexual behaviour of autistic spectrum disorder (ASD) by the teachers of special integration education programme (ppki) according to syarak. *Islamiyyat*, 37(2), 163-172. <http://dx.doi.org/10.17576/islamiyyat-2015-3702-08>

Interviewee

Norasmah @ Norazmah Mohd Basri. (2020). Teacher at SMK Kinabatangan Sabah.

Zubir b. Ismail. (2021). Teacher at SMK Dato' Mustaffa Sabak Bernam Selangor.

Rahmawati Mohamad. (2020). Teacher at SMK Kinabatangan Sabah.