

## Legal Socialization and Compliance to the Islamic Family Law on Maintenance among Muslims in Selangor, Malaysia

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### Abstract

The alarmingly high number of divorces among Malaysians was brought on by a failure to uphold legal obligations and rights throughout marriage. Failure to fulfil marital obligations worsened following divorce, as evidenced by incidents of non-compliance with the Syariah Court orders on post-divorce financial supports. These failures are a reflection of how Muslims view family law, which affects how they behave. Legal socialization has been cited by earlier scholars as one of the developmental processes that would affect the pattern of individuals socialization and help shape legal attitudes and law-abiding behaviour. The Western setting has produced a wealth of literature on legal socialization, in which criminology dominated the majority of studies. Little is known about Malaysians' legal socialization within the context of Islamic family law and how they adhere to the law on family maintenance. The purpose of this study is to evaluate the legal socialization of individuals, their compliance with Islamic family law, and the associations between different facets of legal socialization and compliance among married and divorced Muslims in the State of Selangor. Four instruments on legal socialization (legitimacy of the law, procedural justice, legal cynicism, moral disengagement), and a self-report of compliance behavior were adapted from previous studies by Fagan and Tyler (2005) and Bandura et al. (1996). Findings show that the respondents have a high level of legitimacy of the law and procedural justice and a low level of legal cynicism and moral disengagement. Respondents' positive experience with procedural justice have been found significantly related to their compliance behaviour. Hence, advocacy efforts to increase legal literacy on family rights and obligations among Muslims must be intensified at all levels, realizing the impact of legal socialization to uphold legal obligations towards the family.

**Keywords:** Legal Socialization, Compliance Behaviour, Family Law, Legitimacy of the Law, Legal Cynicism, Moral Disengagement

### **Introduction**

The alarming rate of marriage breakdowns among Malaysians was due to failure to fulfill rights and responsibilities during marriage as dictate by the law. The highest number of divorce cases in 2021 among Muslim couples were recorded from two developed States in Malaysia i.e., Selangor (8811 cases) and Johor (5058 cases). According to the Director-General of the Malaysian Syariah Justice Department (MSJD), there are various causes that lead to divorce which include lack of understanding between spouses, financial factors, and failing to fulfil the responsibility of providing alimony (T. Haryanti, 2022). Failure to fulfill the responsibilities was worsen after divorce with cases of noncompliance with Syariah Court order on parental responsibilities and financial supports. Based on the statistics from the Family Support Division (FSD) of the MSJD, the total number of cases of wife and child maintenance claims totaled 5,964 cases in a five-year period from 2017 to October 2021 (F. Shazwani, 2021). Of that number, child support claim cases amounted to 4,529 cases. However, these statistics are based on the complaints received and do not reflect the overall neglect of family maintenance among Muslim families in Malaysia. Failure to fulfill family responsibilities during marriage and after divorce reflect the Muslims attitudes towards family law which influence their law-abiding behaviour. The process and factors of individuals' law-abiding behaviour has been the subject of research related to legal socialization.

Previous researchers have identified legal socialization as one of the developmental processes in human beings which begins with a socialization process (Kolivoski et al., 2016; Trinkner & Cohn, 2014). The socialization process of individuals will influence their pattern or development of legal socialization, which can contribute to the formation of legal attitudes and law-abiding behavior. Socialization is a process by which individual, from an early age (Crisogen, 2015) learns about norms, values, beliefs, attitudes and behavior through social interaction and social experiences (Hardy, Hurst, Price, & Denton, 2019; Luftey & Morimter, 2003). It is a fundamental process in every human being that help human to function well in their society in which the individual is growing up. There are a number of socialization agents that play a role in influencing individual during childhood such as parents, siblings, teachers, friends, mass media and religion. Among these agents, family is the most crucial in individuals' socialization, that makes ones learns, perceives and values several things either consciously or unconsciously (Lander, Howsare & Byrne, 2013).

The same way that socialization influences how people develop specific or general behaviours and attitudes, it also influences how people develop their values, beliefs, attitudes, and behaviour towards the law, legal authorities, and legal system. Legal socialization is a process by which individual internalizing values, understanding of laws and the legal institution, forming perceptions or thoughts and belief towards the law and the legal authority, including process of developing attitudes and behavior specifically on compliance and non-compliance behavior (Reisig, Wolfe, & Holtfreter, 2011; Trinkner & Cohn, 2014). According to Cohn et al., (2010) and Fagan and Tyler (2005), individuals begin to acquire belief, attitude towards law and law-abiding behavior during their childhood and adolescence period, which during their adulthood will shape their belief, attitude and behavior towards legal system and legal authorities, either to obey or violate the rules enforced by the legal authorities (Kolivoski et al., 2016). According to Piquero, Fagan, Mulvey, Steinberg, and Odgers (2005), legal socialization also grow over time, vary throughout the population, and also should exhibit

growth or vacillation as accumulated from social experiences and interaction over time via evaluating other peoples' attitudes and experiences which is observed in ones surroundings, and also by internalizing information derived from their own experiences (Fagan & Tyler, 2005; Piquero et al., 2005; Reisig et al., 2011).

The way an individual internalized norms or information about justice and obligations will influence the development of legal socialization such as his or her cynicism attitude and perceptions towards legal system, which will finally lead them in deciding either to obey or disobey the law. This important element of legal socialization is known as perceived legitimacy of the law. As explained by Reisig et al., (2011) and Trinkner and Cohn (2014), those who are less cynicism towards the authority, believe the legal institution and view the authority as legitimate, they are more likely to obey the law and cooperate well with the legal authority. If an individual is strongly believe that comply to the legal authority will helps to build and maintain moral consensus, then he or she will be more willing in being responsive and cooperative (Jackson et al., 2018).

Besides legitimacy of the law, procedural justice was found to play an important role in nurturing compliance behavior towards law over the time (Murphy, Tyler, & Curtis, 2009). This is because individuals can strongly be influenced by their judgment on the fairness of the legal procedures (Tyler & Darley, 2000). Procedural justice is a perceived fairness of procedures involves in decision-making and quality of treatment received by individual from legal authority that is measured by voice, neutrality and transparency (Jackson et al., 2018; Murphy et al., 2009). It is developed from individuals' direct experience with the legal system such as face to face interaction between officers and the public (Gau, 2015; Kolivoski et al., 2016). Past research on legal socialization such as in Tyler (2006) and Piquero et al., (2005) have shown that procedural justice as a primary drive in the process of developing individuals' notion and understanding of laws, including shapes individuals' internalization of law (Trinkner & Cohn, 2014). This is because, people will either foster or reduces their level of legitimacy and cynicism towards law based on the fairness of procedures and fair treatment receives from the legal authority (Fagan & Tyler, 2005; Gau, 2015; Trinkner & Cohn, 2014).

Being cynical towards law and the legal authorities is also a part of legal socialization process. These attitudes will expand people's choices for action by loosening the control aspect of the law (Gau, 2015; Kirk & Matsuda, 2011). Legal cynicism is considered as cultural because people become cynical towards law and authority not because of their personal experience only, it has been shaped through social interaction with other people in the society they are living (Kirk, 2016; Kirk & Matsuda, 2011). People with cynicism attitude towards law tend to feel that self-reliance is their only option, and they have to fend for themselves because the authority has forgotten them (Gau, 2015; Kubrin & Weitzer, 2003). This will lead people to stop relying and calling for help from the legal authority. They even do not care if anything bad happen in their community, as long as they could protect themselves from danger.

Finally, legal socialization process also includes moral disengagement. It is defined as any behavior that may direct or indirectly cause physical or psychological harm such as death, injury, and mental abused to another person (Fagan & Tyler, 2005), separate peoples' moral standards from their actions, and lead them to engaging in immoral or unethical behavior without sense of feeling guilt (Moore, 2015). Previous studies highlighted that individuals with high level of moral disengagement do not feel any unpleasant emotion for engaging in unethical behavior because they had lower level of self-control (Li et al., 2014; Moore, 2015). There is a vast literature on legal socialization and compliance behaviour from the Western context. Nevertheless, most research was related to criminology and juvenile justice. Previous

studies showed that individual's differences in the components of legal socialization i.e., perceived legitimacy of law, procedural justice, legal cynicism, and moral disengagement directly influence their compliance with the law. However, legal socialization among Malaysians in the context of Islamic family law and their compliance to the law on maintenance, is poorly understood. Research on legal socialization can help to understand how people learn about and internalize legal norms and obligations. This area of research is crucial for maintaining social order and stability as it will protect the well-being of family members. When individuals comply with the laws, it directly impacts the quality of life and economic security of vulnerable family members such as children and spouses. This will help to prevent conflicts and reduce the burden on the legal system from dealing with costly and time-consuming legal disputes and enforcement actions. Therefore, the purpose of this study is to evaluate the legal socialization of individuals, their compliance with Islamic family law, and the associations between different facets of legal socialization and compliance among married and divorced Muslims in the State of Selangor.

### **Materials and Methods**

This is a cross-sectional research which has been conducted using a survey method. A self-administered questionnaire was used for the data collection. The data has been interpreted using the descriptive and correlational analysis. Participants were 237 married and divorced respondents randomly selected from ten residential areas in the Mukim Kajang, District of Hulu Langat, Selangor. For this study, four instruments were used to assess on legal socialization i.e., legitimacy of the law; procedural justice; legal cynicism; and moral disengagement; and also, a self-report of compliance behavior. All instruments were adopted from previous studies on legal socialization, and it was modified to suit with the context of this study, i.e., Islamic family law. A pilot test has been conducted among 29 married and divorced individuals in the District of Klang, Selangor to test the reliability and validity of the instruments.

Legitimacy of the law measures respondents' perceptions of fairness and equity of the legal authorities, on 4-point scale ranging from 1=strongly disagree to 4=strongly agree. The overall legitimacy scale is a sum of 7 items which was adapted from Fagan and Tyler (2005). Each item in the legitimacy sections is compulsory for all respondents (married and divorced). Procedural justice is a sub-section of the legitimacy instruments which items were also adapted from Fagan and Tyler (2005). The 5 items tap into domains of ethics, fairness, representation, consistency, correctability and respect with regards to respondents' interaction with the legal authority. Only respondents who has experience in dealing with the Syariah Court should answer these items which was asked on a 4-point scale ranging from 1=Strongly Disagree to 4=Strongly Agree. Higher scores indicated greater legitimacy of the law and procedural justice.

Legal cynicism measures individuals' overall assessment of the normative basis of the law. It consists of 9 items adapted from Fagan and Tyler (2005), which ask the respondents on a 4-point scale ranging from 1=Strongly Disagree to 4=Strongly Agree. The level of legal cynicism is calculated following higher score indicated greater legal cynicism. Moral disengagement assesses attitudes of the respondents concerning the treatment of others. It consists of 6 items adapted from Bandura et al. (1996). The items are measured on 4-point scale ranging from 1=strongly disagree to 4=strongly agree. It shows moral detachment from everyday social and legal norms that regulate social interactions within the context of Islamic family law. A Self-reports compliance behavior was developed by the researcher to assess

respondents' compliance or noncompliance with the rights and responsibilities under the family law and also their compliance with the court order. It has been divided into two parts, i.e., for male and female respondents which consist of 3 items for each part. This Likert-type scale ranging from 1=Never to 4=Always assesses male respondents' compliance behaviour towards the law and the court order on the issues of family maintenance, while the other part assesses female respondents' perception on their husbands' or ex-husbands' compliance behaviour. A pilot study was done among 29 married and divorced respondents from Bandar Baru Klang, Selangor in order to test the reliability of the instruments used in the study (Table 1). The Cronbach's alphas for all instruments are within the acceptable range for both pilot and actual studies. Data analysis was conducted using the Statistical Package for the Social Science (SPSS) version 22.

**Table 1: Reliability of the Research Instruments**

Instruments	No. of items	Pilot Study (n=29)	Actual Study (n=237)
1. Legitimacy of the Law	7	0.92	0.93
2. Procedural Justice	5	0.99	0.95
3. Legal Cynicism	9	0.90	0.86
4. Moral Disengagement	6	0.83	0.80
5. Self-Report Compliance Behavior (male)	3	0.86	0.64
6. Self-Report Compliance Behavior (female)	3	0.80	0.74

## Results and Discussion

Descriptive statistics such as mean, standard deviation, frequency and percentage were used to illustrate the demographic data of the respondents, and all variables in this study. Pearson Correlation coefficient analysis was used to determine the strength of the correlation between variables.

**Table 2**

**Demographic Characteristics of the Respondents (N=237)**

Variables	n	%
<b>Age:</b>		
21-31	60	25.3
32-42	60	25.3
43-53	70	29.5
≥54	47	19.9
Mean: 42.49		
SD: 12.13		
Min: 21		
Max: 68		
<b>Race:</b>		
Malay	232	97.9

Chinese	4	1.7
Others	1	0.4
<b>Marital Status:</b>		
Married	216	91.1
Divorced	21	8.9
<b>Number of Children:</b>		
1-3	174	73.4
4-6	58	24.5
7-9	5	2.1
Mean: 2.98		
SD: 1.42		
<b>Education Level:</b>		
No formal education	1	0.4
Primary Education	14	5.9
Secondary Education	103	43.5
Tertiary Education	119	50.2
<b>Employment Status:</b>		
Government Staff	32	13.5
Private Company	93	39.2
Self-employed	112	47.3

Note: SD = Standard Deviation, Min = Minimum, Max= Maximum

The demographic characteristics of the respondents include age, race, marital status, number of children, education level and employment status. All respondents are Muslims and lived in the District of Hulu Langat. As shown in table 2, respondents' age ranged between 21 and 68 years (M=42.49, SD=12.13). Among respondents, 70 of them age between 43 to 53 (29.5%), another 60 respondents age between 21 to 31 (25.3%) and also 32 to 42 (25.3%) respectively. The rest of the respondents (47) age between 54 to 68 (19.9%). Majority of the respondents are Malay Muslims (97.9%), the rest are Chinese Muslims (1.7%) and of other race as well (0.4%). Majority of the respondents (91.1%) are married while only 21 of them are divorced (8.9%). Respondents' children are between 1 to 9 (M=2.98, SD=1.42). With regards to respondents' education level, half of them (50.2%) acquired tertiary education, 103 of them completed secondary schools (43.5%), another 14 of them finished primary schools (5.9%) and only 1 respondent has no formal education (0.4%). Respondents also reported that about 112 of them (47.3%) are self-employed, another 93 respondents are working with private company and the rest (13.5%) are civil servants.

**Table 3: Levels of Legitimacy of the Law, Procedural Justice, Legal Cynicism, Moral Disengagement and Self-Report Compliance Behaviour of the Respondents(n=237)**

Legitimacy:	n	%	Mean	SD	Min	Max
18-28	232	97.9	22.39	3.02	7	28
7-17	5	2.1				
<b>Procedural Justice:</b>						

<b>14-20</b>	<b>230</b>	<b>97.0</b>	14.67	0.99	7	20
7-13	7	3.0				
<b>Legal Cynicism:</b>						
23-36	11	4.6	15.28	4.25	9	36
<b>9-22</b>	<b>226</b>	<b>95.4</b>				
<b>Moral Disengagement:</b>						
16-24	7	3.0	10.67	2.92	6	24
<b>6-15</b>	<b>230</b>	<b>97.0</b>				
<b>Self-Report Compliance Behaviour (Males):</b>						
<b>6 - 12</b>	<b>68</b>	<b>100</b>	<b>10.05</b>	<b>1.00</b>	<b>6</b>	<b>12</b>
3 - 5	0	0	-	-	-	-
<b>Self-Report Compliance Behaviour (Females):</b>						
<b>6 - 12</b>	<b>169</b>	<b>100</b>	<b>10.07</b>	<b>0.03</b>	<b>10</b>	<b>11</b>
3 - 5	0	0	-	-	-	-

Note: SD = Standard Deviation, Min = Minimum, Max= Maximum

Legal socialization is measured by four domains which are legitimacy of the law, procedural justice, legal cynicism and moral disengagement. For legitimacy of the law, the scale scores are between 7 to 28 with higher scores indicate more positive perceptions of legitimacy among respondents towards family law and its authorities. In table 3, majority of the respondents scores between 18 to 28 (M=22.39, SD=3.02) which indicate positive perceptions among respondents towards legitimacy of family law and its authorities. Secondly, for procedural justice, the scale scores are between 7 to 20 with higher scores indicate more positive perceptions among respondents concerning procedural justice within the Malaysian syariah legal system. In table 3, majority of the respondents scores between 14 to 20 (M=14.67, SD=0.99) which indicate positive perceptions among respondents on procedural justice in the syariah legal system.

Thirdly, for legal cynicism, the scale scores are between 9 to 36 with higher scores indicate more cynical perceptions among respondents concerning rights and obligations in family law and the justice and fairness of its authorities. In table 3, majority of the respondents scores between 9 to 22 (M=15.28, SD=4.25) which indicate respondents are less cynical towards family law rights and obligations as well as the significant role of its authorities. Finally, for

moral disengagement, the scale scores are between 6 to 24 with higher scores indicate higher detachment of moral among respondents concerning rights and obligations in family law. In table 3, majority of the respondents scores between 6 to 15 ( $M=10.67$ ,  $SD=2.92$ ) which indicate respondents are less prone to breaking away from moral when it is about family law rights and obligations. Respondents were also measured on compliance behaviour with regards to the rights and obligations towards family members during marriage and after divorce. This was measured using a self-report compliance behaviour scale. The scale scores are between 3 to 12 with higher scores indicate higher compliance towards family law. In table 3, all male respondents scores between 6 to 12 ( $M=10.05$ ,  $SD=1.00$ ) which indicate higher compliance in fulfilling the rights and responsibilities towards the family. Similarly, all female respondents also perceived their ex-spouses did comply with the obligations to provide for family maintenance, with the scores between 10 to 11 ( $M=10.07$ ,  $SD=0.03$ ).

An independent sample T-Test was conducted to compare legitimacy of the law, procedural justice, legal cynicism, moral disengagement and self-report compliance behaviour among married and divorced respondents. Result in table 4 shown that there are significant differences the three domains of legal socialization (i.e. legitimacy of the law, legal cynicism, and moral disengagement) among married and divorced respondents. Based on these results, divorce status does have an effect on the perceptions of respondents towards the legitimacy of the family law and its authorities. It is also to be noted that married respondents are more cynical and prone to breaking away from the moral when it comes to rights and obligations in family law and also on the legal authorities and the system of justice.

**Table 4: Legal Socialization and Self-Report Compliance Behaviour Among Married and Divorced Individuals (n=237)**

Variables	Marital Status		t	df	sig
	Married Mean (SD)	Divorced Mean (SD)			
<b>Legitimacy</b>	22.25 (2.94)	<b>24.09</b> (3.37)	- .269*	235	0.00 8
<b>Procedural Justice</b>	14.67 (0.54)	14.71 (2.89)	-0.19	235	0.84 7
<b>Legal Cynicism</b>	<b>15.47</b> (4.23)	13.19 (3.84)	2.38*	235	0.01 8
<b>Moral Disengagement</b>	<b>10.79</b> (2.92)	9.33 (2.47)	2.21*	235	0.02 8
<b>Self-Report Compliance</b>	<b>18.27</b> (1.45)	16.73 (2.32)	4.35*	235	0.00 8

Note.\*=  $p \leq 0.05$

In addition, the relationships between independent variables with the dependent variable were analysed using the Pearson Product Moment Correlation in order to determine direction and magnitude of relationships between the variables. As shown in table 5, only procedural

justice was significantly correlated with the self-report compliance behaviour on family law rights and obligations ( $r=0.197$ ,  $p<0.01$ ). The result suggests that respondents, who have more positive perceptions about procedural justice in family law as applied in the syariah legal system, tend to be more submissive with the rights and responsibilities towards their family. This means, the direct experiences with legal authority have impact in shaping compliance behavior among respondents. What matters for the respondents are the fairness of the treatment by the legal authorities, the procedures and the outcomes of their cases.

**Table 5: Correlations of Legal Socialization and Self-Report Compliance Behaviour (n=237)**

Variables	Self-Report Behaviour	Compliance
Legitimacy	0.111	
Procedural Justice	0.197** ( $p=0.002$ )	
Legal Cynicism	0.006	
Moral Disengagement	0.93	

Note. \*\* =  $p \leq 0.01$

### Conclusion

Findings in this study suggest that most of the respondents have experienced positive procedural justice, which means they have received fair quality of treatment and fairness in the procedures involved. Consistent with argument in the previous studies which stated that procedural justice may predict the level of legitimacy and legal cynicism in an individual, the result of the current study also shows that there is high level of legitimacy and low level of legal cynicism among the respondents, as there is positive feedback about the aspect of procedural justice. There is also a low level of moral disengagement recorded among most of respondents, which means they have high level of moral standard, so that they are able to engage with good attitude and have sense of responsibility regarding the matters of family maintenance.

The influence of legal socialization on compliance behavior could also be seen from the self-reported compliance behavior. One's experience with procedural justice in the legal institution, develops his legal reasoning either to obey or violates the law. Usually, people will experience the procedural justice when they have undergone the divorce process and the procedure to claim for post-divorce financial supports. So, it can be understood that a person's legal socialization is finally shaped either positively or negatively when they have experience with the court system.

Similarly, one's perception about legitimacy of the law is also higher among the divorced individuals which probably due to the same reason i.e., they have experience dealing with the legal authorities in their divorce case. On the other hand, the higher scores for legal cynicism and moral disengagement of the married individuals are also alarming because this will probably influence them to disobey the law. So, advocacy efforts on improving legal literacy on family law rights and obligations particularly among Muslims need to be intensified. Besides, the amendment to the procedural law on the enforcement of court order particularly relating to enforcement maintenance is also imperative.

The contributions of this study are multifaceted, with the potential to benefit both individuals and society as a whole. It will improve public awareness on family obligations by helping individuals to understand their rights and responsibilities related to family maintenance. It can lead to impactful strategies to encourage compliance, benefitting those who depend on family maintenance support. Finally, it provides insights for policymakers to create more effective family maintenance laws and policies ensuring that they meet the needs of families and promote social welfare.

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