

# Criminalisation Without Deterrence? Assessing Water Theft Enforcement in Malaysia's Water Services Legal Framework

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**Abstract:** *Water theft remains an under-examined legal dimension of non-revenue water in Malaysia despite its growing financial and governance implications. While technical and managerial approaches dominate the literature, limited attention has been given to how the law conceptualises and enforces unauthorised water use. This article examines the Malaysian legal framework governing water theft and evaluates how the law operates in practice. It focuses on the Water Services Industry Act 2006 (WSIA) together with the Penal Code, Criminal Procedure Code, and Evidence Act 1950. The study identifies a key problem: although the legal framework allows water theft to be treated as both a regulatory offence and a conventional property crime, enforcement practice relies almost exclusively on the regulatory pathway. Through doctrinal analysis and case-based examination of reported prosecutions and civil litigation, the article demonstrates that prosecutors consistently charge offenders under the WSIA, while Penal Code offences remain largely unused. This prosecutorial pattern reflects evidentiary and institutional considerations rather than legal limitations and contributes to a gap between statutory criminalisation and practical enforcement. The article argues that recognising water theft as both regulatory non-compliance and economic crime would strengthen enforcement capacity and deterrence. It suggests closer coordination between regulators and law-enforcement agencies and the selective use of general criminal offences in serious cases to enhance Malaysia's water governance framework.*

**Keywords:** water theft, non-revenue water, regulatory enforcement, Water Services Industry Act 2006, Malaysia

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## 1. Introduction

Non-revenue water (NRW) remains one of the most persistent structural challenges facing the Malaysian water services industry. It refers to water that has been treated and supplied but does not produce income for service providers (Liemberger & Wyatt, 2019). High levels of NRW reduce the financial sustainability of water operators, constrain infrastructure investment, as well as undermine long-term service reliability. Empirical evidence demonstrates that NRW has had a measurable negative impact on the productivity of Malaysia's water services sector. This evidence highlights the importance of regulatory and institutional responses to the problem (See & Ma, 2018). Malaysian research also continues to recognise NRW as a national policy concern that requires stronger mitigation strategies and governance attention (Ahmad et al., 2024).

Existing literature from Malaysia has primarily examined NRW from governance, technical, and policy perspectives. Studies have explored institutional and operational efforts by water utilities to reduce NRW and improve performance, including case studies of Malaysian water operators engaged in loss reduction initiatives (Sia et al., 2021). Parallel research emphasises the role of public awareness and participation, noting that societal engagement in NRW reduction remains limited despite the scale of the problem (Lai, 2017). Engineering and sustainability research similarly acknowledges that NRW includes apparent losses such as unauthorised consumption and illegal connections, indicating that water theft forms part of the broader NRW challenge (Jones et al., 2021; See & Ma, 2018). Recent legal scholarship has begun to examine the regulatory framework governing NRW reduction in Malaysia. In particular, the Water Services Industry Act 2006 (WSIA) has been identified as the cornerstone of Malaysia's modern water services regulatory regime, providing the legal basis for enforcement strategies and regulatory oversight within the sector (Abd Rani et al., 2026). This growing body of work reflects an emerging shift towards recognising the importance of law and regulation in addressing NRW and strengthening the water services industry.

Despite these developments, a significant gap remains in Malaysian scholarship. Existing research consistently recognises that NRW includes unauthorised consumption, illegal connections, and meter tampering. However, these issues are typically discussed as technical or managerial problems rather than as legal and regulatory enforcement challenges. There has been little doctrinal or regulatory analysis of water theft offences under the WSIA, nor sustained examination of the effectiveness of criminalisation and enforcement mechanisms in deterring illegal water use. This gap is particularly significant given that the WSIA criminalises unauthorised use of water supply and related activities, reflecting a legislative intention to deter water theft through legal sanctions. The persistence of NRW and continuing concerns about unauthorised consumption suggest that criminalisation alone may not be sufficient. These developments raise important questions about enforcement architecture, institutional coordination, evidentiary challenges, and the broader regulatory design governing compliance in the Malaysian water services sector.

This article argues that water theft in Malaysia should be examined as a distinct legal and regulatory enforcement problem rather than merely as a technical component of NRW. The article undertakes a doctrinal analysis of the legal framework governing water theft under the WSIA and evaluates the effectiveness of current enforcement approaches. By focusing specifically on water theft enforcement, the article seeks to contribute to Malaysian water law scholarship and to advance a more nuanced understanding of the relationship between criminalisation, regulation, and compliance in the water services sector.

## **2. Literature Review**

The Malaysian water services sector has undergone significant reform over the past two decades, largely driven by persistent concerns about non-revenue water (NRW) and the need to improve efficiency and financial sustainability. Empirical work demonstrates that NRW has had a measurable negative impact on the productivity of the Malaysian water services industry, indicating that water losses represent not merely a technical issue but a structural challenge affecting sector performance and long-term investment capacity (See & Ma, 2018). This insight is important because it reframes NRW as a governance and regulatory problem rather than a purely engineering concern. The recognition of NRW as a systemic issue has shaped both policy priorities and academic research, positioning NRW reduction as a central objective within Malaysia's water sector reforms.

A growing body of Malaysian scholarship has therefore focused on the governance and regulatory frameworks developed to address NRW. Legal analysis highlights the increasing role of statutory and regulatory instruments in shaping NRW reduction strategies and improving compliance within the water services industry (Abd Rani et al., 2026). Case study research examining Malaysian water operators further demonstrates that NRW reduction requires coordinated institutional action involving regulators, utilities, and consumers (Sia al., 2021). These studies show that regulatory oversight and organisational capacity are essential components of NRW management. Yet they also reveal the continuing complexity of implementation and the persistence of water losses despite regulatory reform. The literature thus suggests that regulatory restructuring alone has not fully resolved the challenges associated with NRW.

Despite the expansion of governance-oriented research, the Malaysian NRW literature remains strongly dominated by technical and managerial perspectives. Engineering and sustainability studies continue to treat NRW primarily as a combination of physical and apparent losses, including leakage, meter inaccuracies, and unauthorised consumption (Jones et al., 2021). This technical framing has contributed valuable insights into infrastructure performance and mitigation strategies, but it has also shaped how water theft is conceptualised within academic discourse. By embedding unauthorised consumption within broader NRW categories, the literature has tended to treat water theft as a secondary or derivative issue rather than as a central regulatory concern. As a result, the legal and enforcement dimensions of illegal water use have received comparatively limited attention. Policy-oriented research reinforces the urgency of NRW reduction while maintaining a managerial focus. Recent Malaysian studies emphasise the need for improved mitigation strategies and highlight the continuing financial and operational consequences of water losses (Ahmad et al., 2024). These works underscore the policy relevance of NRW but do not examine how legal enforcement mechanisms operate in practice.

Research on public participation adds an important behavioural dimension to the literature. Empirical findings indicate that public awareness and engagement in NRW reduction remain relatively low in Malaysia, suggesting that compliance challenges extend beyond technical and institutional factors (Lai, Chan, & Roy, 2017). This insight has important implications for enforcement. Low public engagement may weaken social norms against illegal connections and unauthorised consumption, complicating efforts to reduce water losses through regulatory measures alone. Nevertheless, while this literature highlights behavioural and social challenges, it does not examine the legal mechanisms available to address non-compliance or the effectiveness of criminal sanctions in deterring water theft. The emerging body of Malaysian legal scholarship on water governance has begun to recognise the importance of regulatory enforcement, yet it stops short of analysing the operation of criminal offences or the practical challenges of enforcing prohibitions against unauthorised water use (Abd Rani et al., 2026). This omission is particularly significant given that NRW research consistently acknowledges unauthorised consumption as a component of water losses (See & Ma, 2018; Jones et al., 2021).

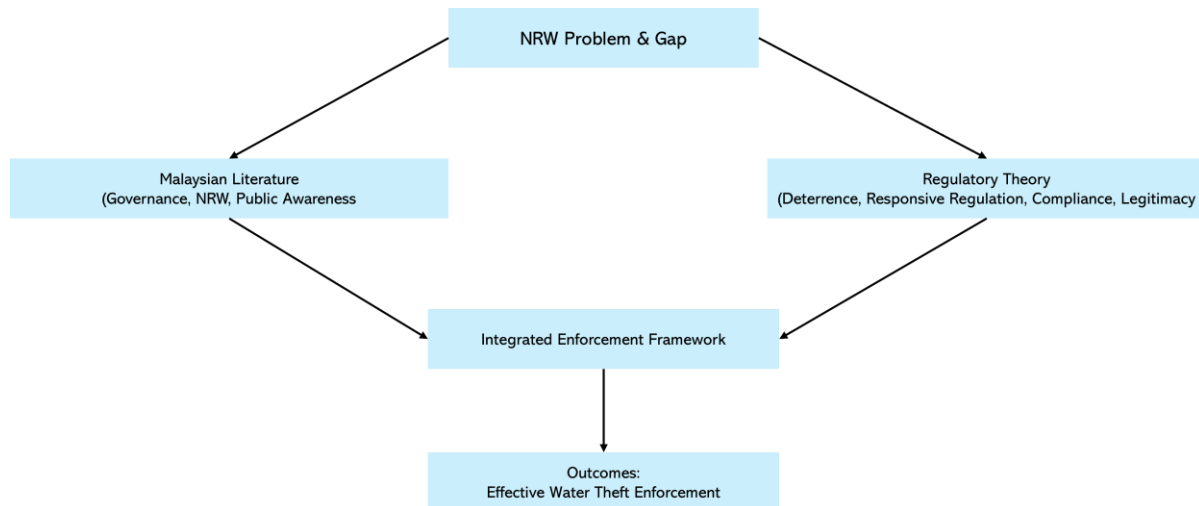
To address this gap, it is necessary to situate the Malaysian discussion within the broader literature on regulatory enforcement and compliance. A substantial body of regulatory scholarship provides a well-established analytical lens for understanding why criminalisation alone often fails to secure compliance in regulated industries. Traditional enforcement approaches are rooted in deterrence theory, which assumes that individuals comply with the law when the expected cost of non-compliance outweighs its benefits (Becker, 1968). Yet

regulatory scholars have long questioned the effectiveness of purely punitive approaches, particularly in sectors where non-compliance is shaped by institutional complexity, economic incentives, and behavioural factors (Baldwin, Cave, & Lodge, 2012). Contemporary research confirms that deterrence alone rarely produces sustained compliance and must be complemented by broader regulatory strategies that address behavioural, organisational, and institutional dynamics (Ishwardat, 2024).

Responsive regulation theory offers an alternative perspective that is particularly relevant to the enforcement of water theft. Ayres and Braithwaite (1992) argue that effective regulation should adopt a graduated enforcement strategy in which persuasion and cooperation are prioritised before escalation to stronger sanctions. Subsequent scholarship emphasises the importance of diversified regulatory instruments and flexible enforcement strategies in complex regulatory environments (Gunningham & Sinclair, 2002; Baldwin et al., 2012). Recent work demonstrates that responsive regulation continues to evolve in response to contemporary governance challenges, including digitalisation and collaborative enforcement models (Sun, 2026). Compliance theory further highlights that behaviour is shaped by trust in institutions, perceived fairness, and regulatory legitimacy (Tyler, 2006; Parker & Nielsen, 2011). Empirical research confirms that formal enforcement does not necessarily translate into improved compliance outcomes, as enforcement is mediated by institutional capacity and monitoring practices (Lai, 2024).

Regulatory scholarship also highlights the limitations of criminal law as a primary enforcement tool in highly regulated sectors. Criminal prosecution involves high evidentiary thresholds and significant resource commitments, leading regulators to rely on administrative and civil enforcement mechanisms (Baldwin et al., 2012). Recent research shows that sophisticated regulatory frameworks frequently struggle with implementation and monitoring (Olaniyi, 2024), while modern regulatory practice increasingly combines strict enforcement with adaptive and responsive approaches (Zhang, 2025). These insights suggest that effective regulation requires a mix of deterrence, persuasion, monitoring, and institutional coordination.

Taken together, the Malaysian literature demonstrates that NRW is widely recognised as a major policy, operational, and governance challenge, and that unauthorised consumption forms part of NRW. However, the legal framework governing water theft, the effectiveness of criminalisation, and the practical realities of enforcement remain largely unexplored. Integrating Malaysian water governance scholarship with contemporary regulatory theory provides a comprehensive analytical foundation for examining water theft enforcement under the Water Services Industry Act 2006. This article therefore adopts a multi-layered framework based on three propositions: criminalisation alone is insufficient; enforcement effectiveness depends on institutional coordination and diverse enforcement tools; and long-term compliance requires regulatory strategies that combine deterrence with legitimacy and behavioural considerations.



**Figure 1: Conceptual Framework for Water Theft Enforcement Analysis**

### 3. Methodology

This study adopts a doctrinal legal approach to examine the Malaysian legal framework governing water theft and how it operates in practice. It analyses the Water Services Industry Act 2006 (WSIA), the Suruhanjaya Perkhidmatan Air Negara Act 2006, the Penal Code, the Criminal Procedure Code (CPC), and the Evidence Act 1950 to explain how these statutes interact in regulating and enforcing offences involving unauthorised water use and to assess the coherence of the current legal framework. The analysis draws on judicial decisions and reported prosecutions to illustrate how the law is applied. The High Court decision in *Peninsular Concord Sdn Bhd v Syarikat Bekalan Air Selangor* demonstrates the civil enforcement pathway, while Sessions Court prosecutions reveal prosecutorial patterns in criminal enforcement. These cases serve as illustrative examples rather than a comprehensive empirical dataset. Relevant academic literature on regulatory enforcement, compliance, and non-revenue water is also used to situate the legal analysis within broader regulatory scholarship. The study compares the specialised offence under the WSIA with the general offence of theft under the Penal Code to evaluate whether water theft can be treated as conventional property crime and how evidentiary and procedural requirements shape prosecutorial choices.

### 4. Analysis of the Malaysian Legal Framework Governing Water Theft

The legal regulation of water theft in Malaysia operates within a multi-statutory framework, wherein specialised water legislation coexists with general criminal, procedural, and evidentiary laws. The WSIA serves as the primary legal basis for criminalising unauthorised water use, while the Suruhanjaya Perkhidmatan Air Negara Act 2006 provides the institutional regulatory framework. These statutes do not function independently; their enforcement is heavily reliant on the Penal Code, the CPC and the Evidence Act 1950. A doctrinal analysis reveals that Malaysia employs a hybrid regulatory–criminal framework in which water theft can potentially be treated as both a sector-specific regulatory offence and a general criminal offence. This layered approach acknowledges that unauthorised water use impacts private revenue, public infrastructure, regulatory governance, and national water security.

Section 123 of the WSIA delineates the principal statutory offence concerning water theft, stipulating that only licensed entities may connect to public mains or service water pipes. This

provision criminalises unauthorised connections to public water supply systems and the extraction of water without the licence holder's approval. Its doctrinal significance lies in its broad scope; rather than narrowly addressing a single type of illegal conduct, it encompasses activities such as illegal pipeline tapping, meter bypassing, unauthorised reconnections, and unlicensed abstraction. Recent amendments have increased the maximum penalty for water theft to a fine of up to RM1 million and imprisonment for up to ten years, reflecting legislative concern regarding the severity of this offence. From a doctrinal standpoint, the enhancement of penalties indicates a shift towards a deterrence-oriented regulatory approach and Parliament's recognition of water theft as a significant regulatory and economic threat.

The offence framework under the WSIA must be contextualised within the Act's broader regulatory landscape. The WSIA establishes a licensing regime for water supply services and imposes compliance obligations on operators and users. Consequently, it combines regulatory oversight with criminal sanctions, forming a regulatory crime model aimed at safeguarding the integrity and sustainability of the water supply system. This hybrid structure is doctrinally important as it differentiates water theft from traditional property offences. The harm addressed by the statute extends beyond individual loss, encompassing system reliability, infrastructure protection, and sector sustainability. This regulatory framing elucidates why enforcement is primarily conducted by sector regulators and water operators rather than traditional law enforcement agencies.

The institutional structure created by the Suruhanjaya Perkhidmatan Air Negara Act 2006 reinforces this regulatory orientation. The Act establishes SPAN and empowers the Commission to “supervise and regulate water supply services and sewerage services.” SPAN is responsible for licensing, monitoring, and ensuring compliance within the water services industry. However, the Commission is not a prosecuting authority. Criminal prosecution remains the responsibility of the Public Prosecutor within the criminal justice system. This separation of regulatory oversight and prosecutorial authority creates a multi-agency enforcement structure in which water operators detect offences, regulators monitor compliance, and prosecutors initiate criminal proceedings. From a doctrinal perspective, this institutional arrangement introduces coordination challenges that may affect enforcement effectiveness, as successful prosecution depends on cooperation between multiple actors operating within different legal mandates.

The Malaysian legal framework surrounding water theft reflects a robust legislative commitment to safeguarding the integrity of the public water supply system. However, a doctrinal analysis reveals a complex enforcement architecture characterised by overlapping statutes, procedural requirements, and evidentiary challenges. The Penal Code introduces additional legal intricacies by establishing general criminal offences that may intersect with offences under the WSIA. For instance, section 378 of Penal Code defines theft as the dishonest appropriation of movable property without consent. Legal interpretations establish that property affixed to land, once severed, becomes movable; thus, abstracted water can be considered as such. Consequently, unauthorised water abstraction may fall within the ambit of theft, while damage to pipelines and meters could be classified as mischief, and bypassing meters may constitute cheating. This overlap between WSIA and Penal Code offences creates a dual enforcement framework that, while potentially enhancing enforcement options, raises questions regarding prosecutorial discretion and the appropriate legal characterisation of water theft. The presence of overlapping offences introduces uncertainty in charging decisions and sentencing outcomes.

The CPC plays a crucial role in understanding the effectiveness of enforcement. Regardless of the specialised regulatory statutes, prosecution must adhere to the procedures set forth in the CPC, which governs investigation, arrest, charging decisions, and trial processes. This framework confirms the authority of the Public Prosecutor to initiate criminal proceedings, ensuring consistency in the administration of justice. However, it also introduces procedural complexity and resource demands. The reliance on general criminal procedure accentuates the hybrid nature of WSIA offences; although water theft is framed as a regulatory offence, its prosecution is embedded within the broader criminal justice system.

Moreover, the evidentiary aspect adds another layer of complexity. The Evidence Act 1950 outlines the rules regarding admissibility and proof in criminal proceedings. Cases of water theft frequently hinge on technical and circumstantial evidence, including inspection reports, meter readings, photographs, and expert testimony. Establishing unauthorised consumption beyond reasonable doubt presents challenges, particularly where illegal connections are concealed or consumption cannot be directly measured. Thus, the high evidentiary threshold in criminal trials represents a significant practical constraint on enforcement. The interaction between the WSIA and the Evidence Act further highlights the gap between statutory criminalisation and practical prosecutability. Hence, the effectiveness of water theft enforcement in Malaysia cannot be evaluated solely based on statutory penalties. A comprehensive assessment must consider the broader context of regulatory governance, institutional coordination, and the complexities of the criminal justice processes involved.

**Table 1: Malaysian Legal Framework Governing Water Theft Enforcement**

Statute	Key Relevant Provisions	Role in Water Theft Enforcement	Key Doctrinal Issues
<b>Water Services Industry Act 2006 (Act 655)</b>	Section 123 unauthorised connection and use of water supply; licensing and compliance framework; strengthened penalties through amendments	Creates the specific statutory offence of water theft and provides the regulatory enforcement foundation	Broad offence structure but enforcement depends on coordination with other institutions and criminal justice processes
<b>Suruhanjaya Perkhidmatan Air Negara Act 2006 (Act 654)</b>	Establishes SPAN as national regulator with powers to supervise and regulate water supply services	Provides regulatory oversight, monitoring and compliance supervision but does not prosecute offences	Institutional separation between regulator and prosecutor may create enforcement gaps
<b>Penal Code (Act 574)</b>	Section 378 theft; related offences such as mischief and cheating may apply to illegal abstraction or infrastructure damage	Provides alternative or supplementary criminal charges alongside WSIA offences	Overlap creates prosecutorial discretion and uncertainty in legal characterisation of water theft
<b>Criminal Procedure Code (Act 593)</b>	Investigation procedures, role of Public Prosecutor, criminal trial process	Governs prosecution of WSIA offences within the criminal justice system	Procedural complexity and resource requirements may affect enforcement effectiveness
<b>Evidence Act 1950 (Act 56)</b>	Rules on admissibility, burden of proof, documentary and expert evidence	Determines evidentiary requirements for proving illegal water use in court	High burden of proof creates challenges in prosecuting technical and concealed offences

### 3. Discussion

A meticulous examination of reported enforcement actions reveals a significant doctrinal insight that strengthens the contribution of this article. Malaysian water-theft cases demonstrate a consistent prosecutorial pattern in which offenders are charged under the WSIA rather than under the general theft provisions of the Penal Code. At the same time, prosecutions necessarily proceed within the criminal justice framework governed by the Criminal Procedure Code and the Evidence Act 1950. This confirms that water theft in Malaysia is treated as a regulatory crime prosecuted through criminal procedure rather than as a conventional property offence. The Sessions Court prosecutions of Projek Lintasan Kota Sdn Bhd (PROLINTAS) and a construction company involved in illegal abstraction of treated water illustrate this pattern clearly (Malay Mail, 2016; New Straits Times, 2025). In both cases, the charge was framed exclusively under section 123 of the WSIA, despite the conduct involving dishonest abstraction of treated water and financial loss to the water operator.

The absence of Penal Code charges is doctrinally significant because it reflects a prosecutorial choice rather than a legal impossibility. This pattern is further reflected in the language used in reported prosecutions, where offenders are consistently described as engaging in “illegal water connections” or “unauthorised use of treated water” rather than being charged with theft. In Malaysian criminal reporting, offences under the Penal Code are typically identified by explicit reference to the relevant statutory provision. The absence of such references in water-theft prosecutions therefore provides indirect but persuasive evidence that enforcement authorities consistently rely on the specialised regulatory offence created by the WSIA.

The foundation of this discussion lies in the legal definition of theft under section 378 of the Penal Code, which defines theft as the dishonest taking of movable property out of the possession of any person without consent and with the intention of causing wrongful gain or wrongful loss. A doctrinal analysis shows that unauthorised abstraction of treated water appears capable of satisfying each element. Treated water within the distribution system is processed, stored, and controlled by licensed operators and therefore constitutes movable property once abstracted. Illegal connections, meter bypass and concealed consumption demonstrate dishonest intention and wrongful gain. The diversion of water through an illegal connection removes it from the operator’s possession without consent, while the physical flow of water into the offender’s premises satisfies the element of movement. From a doctrinal standpoint, the conduct prosecuted in the PROLINTAS and construction-company cases aligns closely with the legal definition of theft.

This conclusion exposes a deeper tension between legal possibility and enforcement reality. Despite the doctrinal compatibility between water theft and the Penal Code, Malaysian enforcement practice confines prosecutions to the specialised offence under section 123 of the WSIA. The Sessions Court convictions demonstrate that prosecutors deliberately frame the offence as unauthorised use of water rather than dishonest appropriation of property. The High Court decision in *Peninsular Concord Sdn Bhd v Syarikat Bekalan Air Selangor* further reinforces this pattern. Instead of criminal prosecution under the Penal Code, the water operator pursued civil recovery for economic loss. The court relied on the statutory presumption under the WSIA and applied tort principles and limitation law to determine liability. The Penal Code again played no role. Collectively, these cases reveal a consistent legal characterisation of water theft as regulatory non-compliance and civil economic loss rather than conventional property crime.

The prosecutorial preference for the WSIA becomes more understandable when viewed through the lens of evidentiary and procedural law. A prosecution under section 378 of the Penal Code would require proof of the quantity of property dishonestly taken. In water-theft cases, quantifying the volume of water abstracted presents significant technical challenges. By contrast, section 123 of the WSIA focuses on the existence of an unauthorised connection or use without approval of the licensee. The offence is complete once unauthorised connection or use is established. The Sessions Court prosecutions demonstrate how this lower evidentiary threshold makes WSIA charges more practical. The prosecutorial reliance on the WSIA therefore reflects evidentiary pragmatism rather than doctrinal necessity.

This evidentiary pragmatism has wider enforcement implications. By framing water theft primarily as regulatory non-compliance, enforcement authority remains concentrated in regulators and water operators rather than mainstream law-enforcement agencies. Police involvement is typically limited unless other offences arise. This institutional positioning subtly signals that water theft is a regulatory irregularity rather than a serious economic crime. The legal classification of conduct influences enforcement priorities, investigative resources and public perception of seriousness. The disparity between the frequency of raids and the relatively small number of court prosecutions illustrates the limits of this regulatory framing.

The consistent absence of Penal Code charges therefore becomes doctrinally significant. The law does not prevent their use, yet enforcement practice rarely invokes them. Prosecuting serious water theft as theft, cheating or mischief could broaden investigative powers and strengthen inter-agency cooperation. Instead, the prevailing approach confines most enforcement activity within the regulatory sphere. The cases discussed above demonstrate that Malaysia possesses the legal tools to treat water theft as both regulatory non-compliance and property crime, but currently relies primarily on the former.

This doctrinal gap suggests that water theft is still conceptualised primarily as a compliance failure rather than as an economic crime. Such a framing is increasingly difficult to justify given the scale of commercial involvement and financial losses revealed in recent prosecutions. A more integrated approach would recognise water theft as both regulatory non-compliance and conventional theft. Maintaining the WSIA offence remains essential, but recognising the applicability of Penal Code offences in serious cases could strengthen enforcement capacity and reinforce deterrence. The Malaysian cases therefore support the argument that the central challenge lies not in the absence of legal authority, but in the current legal characterisation of water theft.

#### **4. Conclusion**

The analysis indicates that Malaysia already possesses a comprehensive legal framework capable of addressing water theft, yet enforcement remains largely confined to the regulatory domain. Strengthening enforcement therefore requires a more integrated approach that mobilises both regulatory and mainstream criminal law mechanisms. First, enforcement agencies should formally recognise serious water theft as a form of economic crime. Clear prosecutorial guidelines could encourage the selective use of Penal Code offences alongside the WSIA in cases involving large-scale commercial abstraction, repeat offenders, or organised illegal connections. Such a dual-framework approach would expand investigative capacity, enable stronger inter-agency cooperation, and enhance deterrence by signalling that water theft is not merely a compliance issue but a serious offence affecting public resources and national water security.

Second, institutional coordination should be strengthened to address the structural fragmentation identified in this study. The separation between regulators, water operators, investigators, and prosecutors creates delays and evidentiary challenges that limit the number of cases reaching court. Establishing formal enforcement protocols, joint task forces, and shared investigation procedures could improve evidence collection and case preparation. Greater use of digital monitoring, technical expertise, and data sharing would also help bridge the gap between detection and prosecution. These measures would allow the existing legal framework to operate more effectively without requiring major legislative reform.

In conclusion, the study demonstrates that the main challenge in combating water theft in Malaysia is not the absence of legal authority but the current legal characterisation of the offence. While the WSIA provides a strong regulatory foundation, enforcement practice has largely treated water theft as regulatory non-compliance rather than as a conventional property crime. Recognising the overlap between regulatory offences and the Penal Code offers an opportunity to strengthen enforcement, improve deterrence, and support long-term water security. A more integrated enforcement model would better align legal doctrine with enforcement practice and contribute to a more resilient and sustainable water services sector.

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### **Conflict of Interest Statement**

The authors declare that there is no conflict of interest regarding the publication of this study.

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