

THE QUALITY OF LIFE OF YOUNG OFFENDERS IN JUVENILE JUSTICE INSTITUTIONS

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ABSTRACT--*The increasingly number of contemporary youth crime and the escalating number of young people involved with the juvenile justice system have challenged established beliefs guiding policy and practice with young offenders. This paper investigates the quality of life among young offenders living in the juvenile justice institutions and how this influence their well-being and development. The study comprised a survey completed by 289 male and female young offenders, aged 12 to 21 years old, in 8 juvenile justice institutions in Malaysia, using the Measuring Quality of Prison Life (MQPL). Based on the analyses, majority of young people perceived moderate levels of quality of life in the institutions. Furthermore, seven significant dimensions of quality of life in the institutions have positive influence on the well-being and development of young people, including respect, staff-inmate relationship, humanity, bureaucratic legitimacy, fairness, safety and family contact. It is concluded that positive social climates in the institutions is an essential aspect of improving the effectiveness of institutions in rehabilitating young people. In contrast, poor quality of life in the institutions may lead young people to psychological distress, and thus increase their risk of reoffending. The paper concludes by recognizing the importance of policy improvement in the juvenile justice system.*

Keywords--*juvenile offenders, juvenile justice system, juvenile corrections, rehabilitation of young offenders, quality of prison life.*

I. INTRODUCTION

The population of children and young people in Malaysia under 18 years is estimated to be 9.4 million out of 32.4 million of the total population (Department of Statistics Malaysia, 2018). It comprises approximately 29 per cent of the total population. In Malaysia, the involvement of children and young people in crime is viewed as a social problem of great concern. In 2017, approximately 3894 children and young offenders were sentenced in 22 juvenile institutions (Department of Prison Malaysia, 2019). Offences related to property are prevalent especially to

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male young offenders, including theft, housebreaking/ burglary, vehicle theft, robbery, and dealing in stolen property (Mallow, 2015).

As in other countries, the increasing number of children and young people involved in crime is largely an urban phenomenon brought about mainly by the increasing pace of industrialization and urbanization. Indeed, these relationships have been long debated by criminologists (for example, Durkheim, [1893] 1997; Shaw & Mckay, 1942). Urbanization often led to great hardships for young people in Malaysia and appears to be the cause for the majority of young people's involvement in crime (Soh, 2012). Crime and delinquency go hand in hand with long-term social and economic disadvantages that are affected by urbanization such as poverty, unemployment and residential turnover. Whether male or female, young people's inability to deal with socioeconomic disadvantages appear to be major reasons for crime and delinquency in Malaysia (Baharudin, Krauss, Yaacob & Pei, 2011; Shong, Abu Bakar & Islam, 2018). Economic disadvantage is seen as one of the major factors underpinning the likelihood of being arrested at a younger age and/or the likelihood of entering prison at a younger age. In fact, there is a significant increase in property crime in Malaysia with increasing unemployment (Sidhu, 2005). Nonetheless, economic disadvantage, in itself, is not a cause but combined with other circumstances may influence participation in crime activities. Involvement in offending is also influenced by factors closely related to young people's socialisation within dysfunctional families. It has been reported that children and young offenders in Malaysia often come from 'broken homes' or 'troubled families' characterized by divorced parents, coercive or indifferent parenting, abusive or neglectful parents, and low family income (Esmaeili & Yaakob, 2011; UNICEF, 2013). In fact, young people with dysfunctional families tend to associate with delinquent peers (Choon, Hasbullah, Ahmad & Ling, 2013). Association with delinquent peers at a young age, eventually, paves the way to juvenile crime. It is also predicted that new crimes involving young people in Malaysia are emerging with technology and the rise of social media (Pitchan, Omar & Ghazali, 2019). Overall, the involvement of children and young people in crime tends to be driven by social and economic factors. Nonetheless, factors related to individual psychology may also increase young people's involvement in criminal activities. In Malaysia, juvenile offenders showed serious cognitive distortion and depression. It has been argued that young people with cognitive distortion may rationalize their offending behavior as acceptable and therefore increase their likelihood of being involved in criminal offences (Badayai, Khairudin, Sulaiman & Ismail, 2016; Nasir, Zamani, Yusoooff & Khairudin, 2010).

In Malaysia, the use of confinement as a form of punishment has been in practice since the Malay Sultanate of Malacca, that is, before the colonial era (1400-1511). The sultanate was governed with the 'Laws of Malacca' which was strongly influenced by Islamic principles (see Adil & Ahmad, 2016). During this period, local people who were convicted of adultery, fornication, theft and other capital crimes were held in buildings designed to confine people before they were punished in accordance with Islamic punishment provisions (Ismail, 2015). However, the advent of Islam was put to a halt from the 15th century onwards during colonial era. The British colonization (1786-1956) changed the country's legal landscape by implementing English statutory law and established the civil court system. In 1879, the first prison was established, and the Prison Act was enacted in 1952

followed by the Federal Prison Regulations in 1953, which was based on the concept of modern treatment (Department of Prison Malaysia, 2012; Enh & Mansor, 2017). The juvenile justice system was introduced beginning in the late 1940s. Historically, the driving force behind the introduction of legislation for children was the recognition of social problems affecting children and young people (for example, poverty, racial violence, the removal of parental control and school closure), which occurred after the Japanese occupation. The Japanese occupation (1941-1945) altered the pattern of social problems, race relations and political cultures. During the occupation, the Japanese carried out large-scale mobilization and militarization of young men, mostly Malays, who became new elites (Ibid). In 1945, the Japanese force surrendered and the British Military Administration (BMA) returned to Malaya (now known as Malaysia). Most of the young Malays were too shocked and confused to act to oppose the British. A series of Acts and Ordinances were introduced in response to the social upheaval brought about by Japanese occupation. With the perception of increases in youth violence in the mid-1940s, the British administration responded by establishing the first legal framework of juvenile justice in the form of the Juvenile Delinquency and Juvenile Welfare Committee, namely the Juvenile Court Act 1947 (Ibid). This Act was introduced essentially to prevent and to salvage children and young people who would otherwise potentially become involved in crime. Therefore, the Juvenile Court (now officially known as the Court for Children) and juvenile custodies were established. The Henry Gurney School, which opened in 1950 and is the oldest juvenile institution in Malaysia, currently accommodates over two hundred convicted young people. Later in 1953, the British administration under the Colonial Development and Welfare Scheme formed the Sungai Besi Boys School (now officially known as the Tunas Bakti School) in the capital of Malaysia for the purpose of sentencing young people who are involved in crime and/or who are deemed beyond parental control. Since then, a number of juvenile justice institutions have been established throughout Malaysia within the last six decades. Today, to the best of my knowledge, more than 30 juvenile justice institutions have been established, including 10 probation hostels, 9 Tunas Bakti Schools, 4 Henry Gurney schools, and 9 prison integrity schools.

The question of how far these institutions are effective in its aim to rehabilitate young people is an important issue to discuss. Criminologists have long focused on the extent to which institutionalization and the institutional experiences exert negative effects on young people behaviors and subsequent behavior upon release. The experience of institutionalisation creates a stressful or strain-inducing situation for most individuals. As Colvin (2007) observes, the volatile and coercive nature of relationships in the institutions may produce a scenario whereby individuals experience frustration or anger from an inability to achieve their goals. Indeed, these circumstances affect the well-being and development of young offenders in the institutions (Hassan & Mokhtar, 2019).

The institutional environment includes regimes and social cultures. The idea of institutional regimes comes from the idea of Sparks, Bottom and Hay (1996) that intended to capture the formal elements of correctional environment. Regimes include a wide range of factors from the types of inmate programs offered to policies for staff-inmate interactions. In particular, as explained by Camp & Gaes (2005), correctional regimes include security measures to control inmates, rehabilitation programs, the sophistication of institutional management, characteristics of staff

members, and institution conditions (crowding, presence or lack of good medical care, quality of food). Meanwhile, social cultures include the culture of inmate and staff members.

Correctional staff cultures vary considerably, and these variations have significant consequences for the quality of life of prisoners. These cultures should be understood in relation to the re/constitution of staff power (Crewe, 2009). The sphere of power may involve coercive or authoritarian (hard power), and it may also operate more lightly (Crewe, 2011). As opposed to coercion or 'hard power', some staff members tend to deal with prisoners through a more diplomatic ways or 'soft power'. As Crewe (2011, p.456) discussed, 'soft power' allows prisoners to make decisions about their lives at the same time as training them to exercise this autonomy in particular ways and rewarding them for doing so. Presumably 'soft power' encourages closer relationships between prisoners and staff, and the good relationships available to make prisoners comply (Crewe, 2011; Drake, 2008). Nonetheless, greater use of coercive controls with more punitive orientation does not promote lower levels of either assaults or nonviolent offenses (for example, Liebling & Arnold, 2012; Rocheleau, 2013; Sekol, 2013; Wooldredge & Steiner, 2015; Damboeanu & Nieuwebeerta, 2016; Klatt, Hagl, Bergmann & Baier, 2016). Where organizational culture is hierarchical, authoritarian and disciplinarian in nature, negative staff-prisoner relationships can result. Sekol (2013) explained the nature of poor relationships with staff. In this regard, staff often ignore problems amongst young inmates, and they are generally burn out and use violence as a means of punishing and controlling young inmates in the institutions. As a consequence, young people do not have much respect for staff and often perceive their authority as lacking legitimacy. When inmates do not perceive the authority being exercised as legitimate, they are unlikely to follow the rules that stem from that authority (Meade & Steiner, 2013). In addition, in these cultures, individuals are more likely to feel insecure (Rocheleau, 2013). Feelings of insecurity, fear or reduction in attributions of legitimacy often underpin prisoners' maladjustment (Klatt et al., 2016, Liebling & Arnold, 2012).

Findings from the studies highlight the importance of developing a healthy social climate in the institutions by promoting positive staff cultures, improving staff-prisoner relationships and enhancing staff attitudes towards securing the institutions. Scholars have argued that variations in staff cultures may be affected by organizations that control their day-to-day work routines and the difficulties in conforming to organizational rules leads to negative work culture (Crewe, 2009; Liebling, 2011). Staff that feel least positive about their own working lives were more negative in their views of inmates (Crewe, Liebling & Hulley, 2011). In effect, they are less likely to deliver meaningful support and services to inmates. The less supportive staff are, the greater the adjustment difficulties among the inmate population (Pinchover & Attar-Schwartz, 2014). Therefore, it is crucial to provide staff with support, education and training to increase staff efficiency at residential care (Kendrick, 2011). Supportive staff may contribute to positive perceptions of the institutional environment and the promise of a better quality of life in the institutions. However, what appears to be a somewhat positive staff ethos might lead to some negative inmate outcomes and vice versa. Favourable attitudes towards inmates by showing excessive trust and avoiding using authority might, for example, lead to some negative inmate outcomes (Crewe, et. al., 2011). In contrast, strict institutional administration systems may be expected to cause a decline in maladjustment due to a pervasive

deterrent message (Bierie, 2011). Overall, the role of staff in enhancing the quality of institutional life is the most important factor in contributing to positive behavioural adjustment among young people in the institutions. This current study primarily seeks to contribute to and extend current understandings of the quality of life among young offenders in juvenile justice institutions, and how this influence the well-being and development of young offenders living in juvenile justice institutions in Malaysia.

II. METHOD & MEASUREMENT

Sample

A survey was conducted involving male and female young offenders aged between 12 to 21 that randomly selected from eight juvenile justice institutions in Malaysia. Of eight institutions included in the sample, five were male institutions and three were female institutions. In the survey, data from 294 young people were obtained; nonetheless, due to the incomplete self-reports, only 289 young people involved in the analysis with a 98.6 per cent response rate. Thus, the final sample comprised 182 males (63.0%) and 106 females (36.7%) with an average of 15.6 years old. The majority of young people (87.9%) were serving their first institutional sentence and the rest (12.1%) were sentenced more than once. Most of them (67.5%) have been sentenced more than a year and 32.5% less than that. Their convictions ranged from property crimes (35.4%), drug-related activities (18.3%) to status offences (53.5%).

Measures

The quality of life among young people was measured using Measuring the Quality of Prison Life scale (MQPL; Liebling, 2004). The MQPL is a self-report questionnaire that emphasises the importance of prisoner perceptions and experiences in understanding institutional life. It measures complex aspects of the social, relational and moral atmosphere of prison or other secure settings. It is composed of 147 statements that form 21 dimensions (including the well-being & development dimension). Each dimension has between three and nine items, and all items are scored on a 5-point Likert scale (from 'strongly agree' to 'strongly disagree'); 84 items are constructed positively and 63 items are constructed negatively. Thus, a reverse scoring technique must be applied to the negative items to provide a consistent way to read the results. The stronger the agreement, the better the perceptions of quality of life. On the other hand, some items in the MQPL were reworded to fit the young people without altering the actual meaning of the statement (e.g. the term 'prison' was changed to 'institution'). The MQPL has strong consistency and each dimension carries reliability between .62 and .92 (Liebling et al., 2012).

Procedure

Ethical approval for the study was granted by the University Ethics Committee (UEC), University of Strathclyde, Scotland. Also, the permission to conduct the study in eight juvenile justice institutions was supported by the Malaysian Economic Planning Unit and approved by the Department of Social Welfare Malaysia. For the

survey study, all eight institutions were approached in different manners at particular periods of time. All young people in each institution available at the time of the study invited to participate. A script containing detailed consent statement information was verbally explained to young people. The questionnaires were then distributed and completed in groups of 5 to 10 young people in a communal area of the institutions. The anonymity and the voluntary nature of the participation were guaranteed.

III. RESULTS

The total score of quality of life in the institutions are distributed between 127 and 640. By using split analysis, participants were separated into three categories. Those scoring 296 and below are coded as having a ‘negative’ perception of quality of life in the institutions, those scoring between 297 and 423 are coded as having ‘moderate’ perception of quality of life and those scoring 424 and above are coded as having ‘positive’ perception of quality of life. Table 1 illustrates 21 dimensions of quality of life measured in the survey study. All these dimensions are classified into five groups i.e. ‘harmony’, ‘professional’, ‘security’, ‘condition and family contact’, and ‘well-being and development’.

Overall, it can be explained that majority of young people tended to report moderate perceptions towards the quality of life in the institutions. Less than 20 per cent of participants reported positive perceptions of quality of life and only minority reported negative perceptions. This analysis has revealed that ‘harmony’ dimension scored the highest mean (3.15) across the five classificatory groups, following by ‘well-being and development’ (3.03), ‘professional’ (3.00), and ‘condition and family contact’ (2.96). Meanwhile, the ‘security’ dimensions reported the lowest mean with the score of 2.83. Across whole dimensions, young people were more positive towards ‘personal development’ (mean = 3.55), ‘care for vulnerable’ (mean = 3.30) and ‘help and assistance’ (mean = 3.43) than other dimensions (see Table 1). This means that majority young people agreed that the institutions provide a good care and support to positive behavioural change. Also, young people were more positive about ‘staff professionalism’(mean = 3.27). For them, staff members were competent in maintaining professional relationships with them. In regard to other dimensions, young people were less likely to show positive perceptions towards them.

Table 1: Descriptive statistics of 21 dimensions of quality of life in the institutions

	Minimum	Maximum	Mean	SD
Harmony (H)				
Entry to custody	2.60	3.40	3.04	23
Respect/courtesy	1.25	4.63	3.05	53
Staff-inmate relationship	1.00	4.71	3.21	75
Humanity	1.00	4.50	3.18	69
Decency	1.20	4.20	2.85	49
Care for the vulnerable	1.00	5.00	3.30	80

Help and assistance	1.33	5.00	3.43	65
Professional (P)				
Staff professionalism	1.33	4.78	3.27	72
Bureaucratic legitimacy	1.14	5.00	2.77	76
Fairness	1.00	4.67	2.99	66
Organisation and consistency	1.17	4.67	2.99	58
Security (S)				
Policing and security	1.22	4.33	2.82	49
Safety	1.00	5.00	2.85	54
Adaptation	1.00	5.00	2.76	77
Drug & exploitation	1.00	4.60	2.90	67
Condition and family contact (C)				
Conditions	1.00	4.50	2.76	75
Family contact	1.33	5.00	3.16	99
Well-being and Development (W)				
Personal development	1.00	5.00	3.55	87
Personal autonomy	1.00	4.75	3.04	72
Well-being	1.00	5.00	2.56	82
Distress	1.00	5.00	2.98	69

Table 2: Influence of the dimensions of quality of institutional life on the well-being and development of young offenders

Characteristics	<i>d</i>	SE	p
Respect/courtesy	.340	.061	<.01
Staff-inmate relationship	.415	.056	<.01
Humanity	.392	.066	<.01
Bureaucratic legitimacy	.432	.056	<.05
Fairness	.539	.055	<.05
Safety	.243	.065	<.01
Family contact	.330	.053	<.05

Out of 21 dimensions of quality of life, only 7 dimensions significantly influence the well-being and development of young people as shown in the Table 2. At a glance, it is clear that the variables are associated positively. This means that a higher attitude towards a certain dimension is associated with a higher attitude towards

the well-being and development, and vice versa. 'Fairness' emerges as the highest influence in comparison to other dimensions, and it shows a slightly high influence on the well-being and development (Somer's $d = .539$). This value indicates that there is a corresponding increase of 53.9 per cent on the well-being and development for young people who reported high levels of perception on the fairness of legality of punishment and procedure in the institutions. In contrast, young people with negative perception on 'fairness' were more likely to report low levels of well-being and development.

Apart from 'fairness', all other dimensions have been reported to have a moderate influence on the well-being and development, that is, between Somer's $d = .243$ and $.432$. 'Safety' shows the lowest value with Somer's $D = .243$. It reveals that the influence on young people's well-being and development is only 24.3 due to the positive perception of respect or courteousness by staff. 'Humanity' also shows moderate influence with Somer's D less than $.40$. Therefore, it explains that the influences of 'humanity' on the well-being and development is less than 40 per cent. This supports that young people with the feelings of being treated inhumanely and feelings of pain in the institutions were more likely to report low levels of the well-being and development. 'Family contact' also shows about 33 per cent influence on the well-being and development (Somer's $d = .330$). By this, it reveals that young people who have more opportunity to maintain contact with their family were more likely to report high levels of the well-being and development. Similarly, 'respect' shows coefficient of Somer's d less than 40 per cent ($.340$). This value indicates that the increase of well-being and development by 34 per cent is due to the positive perception towards the 'respect' dimension.

'Bureaucratic legitimacy' dimension shows influence of 43 per cent (Somer's $d = .432$). It explains that young people with positive perception towards the transparency and responsiveness of institutional systems have a predicted increase of 43.2 per cent in their well-being and development. Turning to the 'staff-inmate relationship', this dimension has been found to influence about 41.5 per cent of well-being and development (Somer's $d = .415$). This means that young people who received more support for their behaviours from staff were more likely to report high levels of the well-being and development.

IV. DISCUSSION&CONCLUSION

The well-being and development in the institutions is referring to an environment that helps young people with offending behaviour, preparation for release and the development of their potential (Liebling, 2004). Also, it includes young people feelings of pain, punishment and tensions experienced by young people in the institutions. In the survey study, young people reported moderate perception towards the well-being and development (mean = 3.03). Some young people reported strong signs of stabilisation and positive behavioural changes, nonetheless majority reported their confusion towards the ability of institutions in helping them. Also, some of them reported high levels of tensions in the institutions. These circumstances are influenced by the quality of life in the

institutions, including the respect, staff-inmate relationship, humanity, fairness, bureaucratic legitimacy, safety and family contact dimensions.

In the analysis, fairness and bureaucratic legitimacy dimensions reported higher influence on the well-being and development as compared to other dimensions. Within secure settings, perceptions of legitimacy can be related to perceptions of fairness (Tyler, 2003, 2006). Indeed, both play an important role in shaping young people behaviour in the institutions. Legitimacy means, broadly, the fairness of authority (see Liebling, 2004). The legitimate exercise of authority depends on young people's experience of the fairness of their treatment, which includes procedures and punishment, but also the manner of their treatment (Tyler, 2006). It has been argued that only legitimate social arrangements generate normative commitments towards compliance (see Sparks, 1996). In contrast, as explained previously, the presence of a lower degree of legitimacy can give rise to disobedience.

Imprisonment presents young people with specific kinds of experiences and it entails conditions or events that potentially lead to psychological distress. This is supported by many early studies, claiming that incarcerated prisoners suffer from the pains of imprisonment (Clemmer 1940; Goffman 1961; Sykes 1958; Thomas, 1977). The distress caused by the pains of imprisonment is often addressed and resolved through attitudes, cultures, networks and ideologies (see Crewe, 2009).

This research suggests the importance of positive or healthy institutional environment to increase the effectiveness of institutions in rehabilitating young people. It can be concluded that the well-being and development of young people is related to inhuman and degrading treatment in the institutions. What it is to feel treated inhumanely, as this study found, is related to young people's feeling of being treated without respect, unfairly and coercively by staff members. The absence of respect and fairness in the institutions damages young people's identities as human beings and results in maladjustment (Liebling, 2011b). To control young people's maladjustment, therefore, the system should focus on mitigating inhumane and degrading conditions in the institutions. This can be achieved by creating more positive staff-young people relationships. Indeed, staff-prisoner relationships make an important contribution to perceptions of institutional quality of life (Molleman & van Ginneken, 2015). Appropriate balance between formality and informality may create positive staff-offender relationships. That is involved professional, respectful treatment and the appropriate use of authority by officers (Liebling, 2011b). This can be encouraged by sending staff members on courses or training related to social work skills in helping young people. In particular, courses should focus on mitigating staffs' anti-management and anti-inmate attitudes and improving their use of power in the institutions (see Crewe et al., 2011). On the other hand, positive staff-young people relationships can be improved by establishing and sustaining a therapeutic culture in the institutions. This could be achieved by, at least, increasing involvement of young people in decision-making (i.e. enhancing the range of young people representation in decision making and involving in family visitation; see Bennett & Shaker, 2010; Aun & Mohd, 2016). Apart from this, this research also suggests that family visitation or contact led to positive behavioural change. Visitation provides, in this study, a critical avenue for young people to receive social support as they serve out their sentence. The lack of visitation may indicate that an individual lacks

strong social bonds to especially family and so may increase risk of reoffending. One of the best ways to improve this is by encouraging family visitation and allowing telephone contact when necessary. This can be done by consulting family members of young people who received no visits and encourage them to do visitation or make telephone contact. Nonetheless, visitation may serve as a signal for how young people may behave in the institutions. Such information would provide institutional officials with the ability to identify young people who may require further services or support and who may require more assistance in the institutions (Cochran & Mears, 2013).

It was hoped that an investigation of the quality of life of young offenders in correctional facilities would generate the kinds of knowledge that may significantly contribute towards improving future practice. In particular, such knowledge can inform interventions, approaches and practices that may help in reducing psychological distress. This study identified, in Malaysian welfare run institutions, efforts to improve young offenders' life concentrating principally on enhancing young offenders' well-being and development. This research suggests that this phenomenon does not occur in isolation and both the cause and the required responses are multi-faceted and intertwined.

The empirical findings discussed provide knowledge about the importance of positive social climate in the institutions. Using this knowledge, an obvious strategy is to address this problem by addressing all identified causal factors. However, there is one condition in the institution that actually plays a big role in decreasing the well-being and development of young people in the institutions. That is, overcrowding. Studies suggest that institution size influences behaviour inside the institutions, and they argued that poor quality of life in the institutions may be produced by overcrowding condition (for example, Farrington & Nuttall, 1980; Martin, Lichtenstein, Jenkot & Forde, 2012; Bierie, 2011). It may be that the overcrowding shapes the condition of causal factors and thus increases the likelihood of disruptive behaviour. Recently many countries have been condemned by the European Court of Human Rights for inhuman and degrading treatment because of the conditions of detention imposed on the institutions in an overcrowded condition (Maculan, Ronco & Vianello, 2013). As explained previously, inhuman and degrading treatment leads to poor perception of quality of life in the institutions. To minimize this, therefore, it is a priority to prevent overcrowding in the institutions. This could be achieved by diverting status offenders and non-serious offenders away from the juvenile justice system, reducing the effective lengths of institutional sentences, and providing more correctional facilities. To foster these, it requires the interventions of the government, the juvenile justice system, the Court for children and those who have influence in maintaining order for children and young people.

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