

EDUCATING AND REHABILITATING THE CHILD AND YOUNG OFFENDERS IN THE PRISONS : A PRACTICE IN MALAYSIA

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Abstract

The paper will analyse the data from interviews with the officials of the Malaysian establishments to show their attitudes in relation to the concept of rehabilitation applied to the child and young offenders. Thoughts and beliefs of the respondents regarding the importance of education and its role in rehabilitating the child and young offenders in the institutions are discussed. The paper will assess whether the attitudes of the officials towards understanding the importance of education influences the rehabilitation process for the child and young offenders in the institutions. In conclusion, the findings suggest that the officials believe education is the key underlying concept that would ensure the effective rehabilitation process for the child and young offenders in Malaysia.

Keywords: child and young offenders; education; rehabilitation; prison.

Introduction

The Prisons Department in Malaysia, being a correctional entity, through its vision and mission is responsible to provide a safe detention and rehabilitation institution. Besides controlling over the residents by treating them humanely upon implementing the detention order by the court, one of the functions of the Malaysia Prisons Department is to implement the rehabilitation program for the residents through various approaches.

This paper reports some of the data from a recent study, adopting a qualitative, methodology, exploring the views of the prison officials regarding the concept of rehabilitation and its relationships with educational programs available for the child and young offenders within the prisons institutions.

The data covers the interviews with 5 respondents who were selected based on the *purposive sampling*: the Director General of the Prisons Department, Malaysia (at

the time of the interview was the Deputy Director General of the Prisons Department, Malaysia ("Abu Bakar"), secondly; the Director of the Rehabilitation and Treatment Unit of the Prisons Department, Malaysia ("Umar"), thirdly; the Education Section Officer of the Prisons Department, Malaysia ("Usman"), fourthly; the Chief Inspector of the Prisons Department, Malaysia, who represented the Director of the Kajang Prison ("Ali") and fifthly; the Director of the Henry Gurney School, Malacca ("Aziz"). All the interviewees are given different code names; bearing not their real names as to maintain their confidentiality for the research purposes. The data interview from each respondent was transcribed verbatim and subsequently analysed thematically according to a set of established themes in order to perform a continuous flow of discussion.

In this paper, the author outlines the discussion into 2 sections; namely:

1. How do the prison officials in Malaysia perceive regarding the importance of education available for the child and young offenders within the prisons institutions?; and,
2. How do the prison officials in Malaysia observe that education could influence the rehabilitation process of the child and young offenders within the prisons institution?

Therefore, the aim of this paper is to discuss whether the attitudes of the prison officials towards understanding the importance of education influences the rehabilitation process for the child and young offenders within the prisons institutions in Malaysia?

"Child and Young Offenders "

The institutional treatment for Malaysian child and young offenders consists of two modalities: a closed institution and an open institution. The former institution which is also recognized as an advanced Approved School or Henry Gurney School is under the administration and management of the Prisons Department; while the latter, also known as an Approved School, is under the Department of Social Welfare. Since this paper focuses on the child and young offenders under the management of the Prisons Department therefore, the discussion in this paper will be limited to the institutions which fall under the first category; namely: The Prisons Department itself; and, the Henry Gurney School.

Section 91 (1) and Section 75 of the Child Act 2001 should be read together as to explain the different categories of the child and young offenders admitted to these two modalities of institutions.

Thus, in this paper, the term “young people” is used referring to both categories of offenders who are being detained within the prisons institutions in Malaysia aged between fourteen and twenty one.

Educational Programs Available for the Young People within the Prisons Institutions in Malaysia

The current educational programs provided for the young people who are detained in the closed institutions in Malaysia are basically based on the rehabilitation program known as the “Putra Module” that adopts the ‘school program approach’. The implementation of the “Putra Module” stresses on the academic educational approach allowing young offenders to continue and/or repeating their half way schooling activities resulting from their admission to the institutions.

Under this module, the young people are equipped with various programs including academic, vocational, religious/spiritual, sports and co-curriculum activities. The academic programs provided for the young people are basically focusing on the academic-oriented similar to the education system that is applied in the mainstream schools.

This Putra Module is one of the rehabilitation models that are developed by the Rehabilitation and Treatment Unit of the Malaysia Prisons Department based on the “Human Development Plan” (“HDP”) or the *Pelan Pembangunan Insan* (“PPI”). Since its launch in 2004, the HDP operates as the blue print of the Malaysia Prisons Department in developing the rehabilitation programs, modules and activities for the pre-sentence offenders, during sentence offenders and after sentence offenders.

The “Putra Module” is a specific rehabilitation program that designs to develop the young people in the Henry Gurney Schools and the prison institutions. The underlying principles beneath the program emphasize the holistic rehabilitation program that stresses on the physical, clinical and psychological aspects of the young people. In general, the Putra Module acts as a guideline for the prison institutions to provide rehabilitation programs that will help the young people to realize their past criminal wrongdoing and to encourage them to be better persons before reintegration into the society upon release.

The Development of Educational Opportunities Provided for Young People within the Malaysia Prisons Institutions

The development of educational provisions in the Malaysia Prisons Department began when at first, the management of the Kajang Prison opened the “3Ms” (“Membaca, Menulis dan Mengira”) classes to teach the young people basic knowledge to read, write and count. Next, adult offenders with relevant academic qualifications were given the role of “teachers” in assisting some candidates who were preparing for their public examinations. Later, when more young people showed an interest in engaging in academic activities (after observing some good achievements of their own cell mates), the management started to develop educational provisions more systematically. Eventually, the “Kajang Integrity School” was established in June 2008 as a result of the collaboration of the Prisons Department and the Ministry of Education.

Currently, there are 5 Integrity Schools across the country which established on the zone basis: Kajang Integrity School (Central zone), Kluang integrity School (Southern zone), Marang Integrity School (Eastern zone), Sungai Petani Integrity School (Northern zone), Kota Kinabalu Integrity School (Sabah Zone) and Kuching Integrity School (Sarawak Zone)

Integrity Schools

Regarding the establishment of Integrity Schools within the prisons institutions in Malaysia, “Abu Bakar” commented, “Our strategy is to provide the same level of education...equal with the education in schools by building the Integrity School. We are planning the strategy to build the necessary path for the students to embark on. This is because we believe that being imprisoned is not a hindrance for the offenders to acquire education”.

Another excerpt from one respondent, “Aziz”, “I think this issue (Integrity Schools) had been raised due to the awareness about the importance of education to all members of the society, especially after the Ministry of Education...launched the PIPP (Education Development Master Plan), So I feel that the youths who are in this prisons institutions, they have not been forgotten and they also have a role to play according to this plan...so I think is why the Education Ministry had tried their best to help the Prisons Department...to provide...a formal education programme...”

From the above quotations, that data suggest the Malaysia Prisons Department is encouraged to provide sufficient educational opportunities for institutionalised

children as they consider these imprisoned children deserve similar educational rights as enjoyed by other children outside the institutions. Furthermore, we may denote their stance recognizing every Malaysian child offender regardless their criminal status, being human capitals of the country, should be given fair educational opportunities to develop themselves who they believe could positively contribute to the development of the nations toward meeting the challenge as set out in the Vision 2020.

Attitudes of the Prison Officials on the Importance of Education for Young People within the Malaysian Prisons Institutions

a. The Role of Education

The data reveals that the prison officials believe education plays a great role in helping to guide the young people becoming changed persons in character and attitudes. As these young people are still young, the prison officials feel responsible to equip the young offenders with kinds of suitable knowledge that could train them to be better persons in the future. "Aziz" explained, "The concept that we used is based on the education concept. We understand that these offenders are still young so they need to have an education... We see education as the catalyst for change in a person's life...especially a youngster's life. That's why we need to provide these kids with an education. The best education for them... We must provide them with education... we must provide them with good values. Teach them the good values, which should be inculcated in the society, as well as he required skills in schools, to enable them to become better individuals...complete persons...or what do we call in the Philosophy of Education (National Educational Philosophy)...a balanced individual...in harmony with others". Another respondent, "Usman" confirmed, "I think we need to focus on the educational aspect here (prisons institutions) because these offenders, if we want to compare with the adult offenders, the potential for the adult offenders to the adult offenders to be reformed is quite low...but these young offenders, there is a high possibility for them to be reformed.."

Furthermore, the respondents presume by providing education to young people during their detention period, these young offenders will utilize the educational opportunities as to receive knowledge that helps them improve their way of thinking and behaving. In some ways, the young people are trained to gain so much positive inputs through educational approach enabling them to be more matured, better persons and more confident planning for their future. "Abu Bakar" clarified, "Education presents the opportunity for the students so that they could be equipped with knowledge and think as mature and positive individuals. This is the knowledge that we want to channel to them so they could build their own principles in life, to improve their knowledge so they would be able to determine where they want to head in life!" Another respondent, "Ali" added, "If we factors the education opportunity as

part of the equation, I am certain that these offenders would be on their way to a positive future!”

The data also demonstrates that the prison officials believe education can supply suitable knowledge leading to attitude changes amongst the young offenders. “Umar” mentioned. “Our stand is that knowledge can lead to attitude change”. “Aziz” pointed. “As they are now in the prison, in our care, we feel that by and through education, it is the way for them to improve themselves”. In this regard, the data would imply that the Prisons Department believes the process of developing the character building amongst the youths is preferable to be carried out, by and through learning activities. In this account, it also manifests that the prison officials regard educational opportunities as one appropriate tool that could guide the young offenders to change their perspectives towards becoming good citizens.

b. Suitable Forms of Education

In discussing forms of education that should be taught to young offenders within the prisons institutions in Malaysia, the data shows the prison officials prefer a wider scope of knowledge comprising various subjects and/or modules covering religious, spiritual moral, motivational, psychological and counselling subjects instead of limited to only academic and/or vocational skills subjects. To them, these subject contents would be able to guide the youths to be more concerned of learning how to change their previous bad behaviour and attitudes.

“Ali” expressed, “Actually in general, the definition of ‘education’ is not really in the academic sense . The education that I mentioned just now would consist of spiritual, curriculum aspect, so education here comprises a wider aspect.. it focuses on behaviour change. What I mean is that, the behavior change is done through spiritual and religious exercise, counseling, all these would ensure the success of the programme”. Another respondent, “Usman” informed, "The field of education is wide actually. It's not only focusing on the academic stuff, but we also need to focus on the moral aspect...civic-consciousness... Attitude... manners...change for the better...that is important. That's why we have the 3 important elements in the programme i.e. “ASK” Attitude, Skill, Knowledge”. “Aziz” further inserted. “I think we need to give extra considerations regarding the moral values, how to help build the personality. I think we need to give more emphasis on that... if possible, in terms of percentage. I would say the moral values should exceed the knowledge aspect.. So by providing..an education which is based on religious principles, they would be better equipped to become better citizens... who provide value to the country when they join the society”.

According to the above excerpts, the prison officials comprehend the ‘definition’ of “education” for the purpose of educating young people within the prisons

institutions should be extended to involve a teaching of good moral/attitude values as well as religious principles towards developing the youths in a holistic manner.

We may construe that the prison officials are more enthusiastic to expose young offenders with types of knowledge that could guide the youths to develop their self behavior and character building rather than merely focusing on academic and/or skills achievements. In addition, the data illustrates the prison officials believe the emphasis on subjects and/or modules containing religious principles and/or moral values would equip the youths to becoming better persons and citizens who are capable to contribute to the nations once upon their reintegration into the society.

c. The Role of Education and the Rehabilitation of Young Offenders within the Malaysia

Prisons Institutions

The findings demonstrate the prison officials view there is a close relationship between the implementation of educational provisions for young people within the prisons institutions and the aims of the Malaysia Prisons Department to rehabilitate the youths based on a few points:

First; Educational opportunities could create awareness among the young people to realize their own roles as “prisoners” who the law thinks are in need of assistance to be rehabilitated. “Abu Bakar” expressed, “[T]hat’s why even in the prison, the young people (offenders) need to get education so that they could better understand their roles, in order to rehabilitate themselves better...to improve themselves.” “Umar” emphasized, “[B]ecause.. without knowledge, how can the youths become aware of the need for the change?”

Secondly; Education can improve the way how the youths think and behave. To quote “Abu Bakar” explicated, “If we provide them with knowledge, they would be more open-minded and better-equipped and willing to accept the rehabilitation, and they will also realize our role in trying to improve them.. Without education, they do not have the right channel to develop their minds, knowledge. Their minds would not be fully developed.. they wouldn’t understand the rehabilitation process, they would be influenced by other elements as they are immature and lack certain thinking skills.” Another respondent, “Ali” elucidated, “Our department focuses on these models (various educational activities contained in the Putra Module) so the offenders can follow them and can change their behaviour. So that when they are released, they would have more confidence.. “

The prison officials acknowledge when the youths are more educated and knowledgeable; they tend to be more open-minded, positive and perceptive against

the entire rehabilitation programs and/or activities managed by the Prisons Department. As a matter of fact, this would encourage the youths becoming more positive persons and eventually realize their past mistakes and wrongdoings.

Next, educational opportunities provided within the prisons institutions would equip the young people with certain knowledge and skills for their survival after release from the institutions. As a matter of act, various knowledge and skills acquired during imprisonment term would help the youths to prepare their mind sets towards facing the society upon the reintegration process. "Ali" claimed, "We would like to ensure that the young people (offenders) who have been rehabilitated would make use of their newly found skills and academic knowledge, so that they would be able to get on with their lives, and contribute to the nation, society as well as their own families". "Aziz" described, "The main agenda of our rehabilitation programme is to provide education to the offenders... so that when they get out of prison...they would be in a better position, they would be able to get on with their lives".

Finally, by enjoying various educational opportunities provided available within the prisons institutions, these young institutionalised persons would be holistically developed towards becoming valuable assets to the nations in the future. The data suggests the prison officials believe every young offender has potentials to be rehabilitated becoming better persons through enduring a systematic and structured rehabilitation program like the Putra Module based on the principles embedded in the Human Development Plan. "Ali" expressed, "[T]he young offenders that we have in the institutions, we believe that they have the potential to change their lives, to create a positive future for their race and nation... I notice that the rehabilitation concept that we have now, as instructed by the Malaysia Prisons Department aims to provide whatever rehabilitation programme which may be helpful!" Another respondent, "Abu Bakar" marked, "[M]aybe we don't know in the future they would become leaders, so these are what we call opportunities which they need to grab, for their future .. As I have explained earlier, the Human Development Plan that we introduced consists of certain processes which determine its success... the Putra Module.. We would help them build those aspects in order to make the rehabilitation a success!"

Recommendations and Suggestions

The responses from the data would suggest the prison officials opine education plays a great role in helping to educate young offenders undergo effective rehabilitation process during their incarceration. In due course, the findings would suggest the prison officials unanimously agree education should be an important component to be incorporated in every rehabilitation programs, modules and/or activities. The officials reckon by equipping the young people with various educational inputs and knowledge during their incarceration; these young persons could gain a lot of benefits that reflect their personal development as well as reinforcing the objectives of rehabilitating them becoming better persons.

Further, the data suggesting a wider perspective of education should be provided for young people within the prisons institutions symbolizes the motivation of the prison officials towards providing educational opportunities in a holistic manner; and this is in accordance with the provisions contained in the Child Act 2001 and the National Educational Philosophy (NEP) which among others states that every young people could have been given fair opportunities to be potentially developed to the fullest extent.

Moreover, the author acknowledges the prison officials are motivated to plan and design educational rehabilitative programs, modules and/or activities for young people within the prisons institutions as they think, by and through educational programs; these offenders will be more realized of their own roles as “prisoners” who the law thinks are in need of assistance to be rehabilitated the prison authorities. Indeed, it indirectly helps the Prisons Department achieving its function operating as a professional correctional entity being a detention and rehabilitation institution in the country.

Besides, by continuing the efforts to develop more educational provisions for young people within the Malaysian prisons institutions, for instance, by the establishment of Integrity Schools; it shows the prisons officials believe imprisonment should not be a hindrance for the youths to gain knowledge and education for the purpose of developing their own self confidence and good future. The establishment of Integrity Schools would also represent the intention of the Malaysian government towards providing adequate rights to education for institutionalised young people similarly received by other Malaysian children and youths outside the institutions.

Thus, we may observe the prison officials have positive mindsets towards rehabilitating the young people to be better people based on their thoughts believing every young person deserves a second chance. The underlying principles beneath the Putra Module that emphasizes the holistic rehabilitation program stressing on the physical, clinical and psychological aspects of the young people show the Malaysia Prisons Department intends to develop not only the youngsters’ intellectual and physical capabilities but also to improve their mental and spiritual development as per mentioned in the Child Act 2001. Part of the Preamble of the Child Act 2001, inter alia;

Recognizing that the country’s vision of a fully developed nation is one where social justice and moral, ethical and spiritual developments are just as important as economic development in creating Malaysian society which is united, progressive, peaceful, caring, just and humane;

And,

Recognising that a child is not only a crucial component of such a society but also the key to its survival, development and prosperity.

Accordingly, this would imply the Malaysia Prisons Department attempts to rehabilitate young offenders towards producing citizens who could socially contribute to the nations upon their reintegration process as per suggested under the United Nations Standard Minimum Rules (Treatment of Offenders) 1954, United Nations Standard Minimum Rules for the Administration of Juveniles (the “Beijing Rules”) and the Convention on the Rights of the Child 1989 for the purpose of maintaining welfare of the offenders.

Conclusions

The current study sought to investigate whether the attitudes of the prison officials influence the rehabilitation process for the child and young offenders within the prisons institutions in Malaysia by exploring their thoughts and views regarding the topic. Based on the findings elaborated earlier, we may imply that the prison official’ perceptions towards understanding the importance of education influence their motivation in planning, designing and managing effective rehabilitation programs, activities and/or modules.

The author discovers the courage of the prison officials towards extending the scope of educational opportunities provided for the young people within the prisons institutions as well as embedding the educational component in every rehabilitation program would continuously improve the quality of rehabilitation programs from time to time.

Finally, the author suggests that more empirical studies should be carried in the future to investigate whether the quality of education provided for young people within the prisons institutions could improve the recidivism rates among them.

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- Article 28 and 29 of the United Nations Convention on the Rights of the Child 1989 specifically mention about the duty of the member parties to provide educational opportunities for children towards developing the child’s personality, talents, mental and physical abilities to their fullest potential enabling them to lead to a responsible life in a free society.

- Article 65 of the United Nations Standard Minimum Rules for the Treatment of Prisoners 1954 reads: “The treatment of prisoners sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.”

- United Nations Standard Minimum Rules for the Administration of the Juvenile Justice (the “Beijing Rules”): Article 24 reads: “Efforts shall be made to juvenile, at all stages the proceedings, with the necessary assistance such as lodging, educational or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process. ”: Article 26.1 reads:" The objective of training and treatment of juveniles placed in institutions it to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society.”; and Article 26.2 reads: “Juveniles in institutions shall receive care, protection and all necessary assistance-social, educational, vocational, psychological, medical and physical-that they may require because of their age, sex, and personality and in the interest of their wholesome development.”