

CHAPTER 6

OUTCOMES OF JUVENILE VIOLENT CRIMES AND REMEDIAL MEASURES

Besides a study on juveniles who committed violent crimes, researcher has also conducted qualitative study with Juvenile and Family Court judges and probation officials, so that the findings will cover all areas of study. Outcomes of juvenile violent crimes and remedial measures can be presented as follows:

6.1 Impacts of Juvenile Violent Crimes

Under this topic, researcher will present outcomes of juvenile violent crimes by classifying into subtopics as follows:

6.1.1 Impacts on Juveniles

Data for this study has been collected from only juveniles who have committed violent crimes, which receive more severe punishment than general cases, and involves the use of violence. All conducted juveniles have been ordered imprisonment by Juvenile and Family Court. According to the law, juveniles' delinquencies are regarded as guilty like those done by adults. However, laws for juveniles were drawn. For example, it is mentioned in the Criminal Code, under the Criminal Liability, Section 73 that "A child who is not over seven years of age is not liable to punishment when he has performed illegal act." (Supan Phunphat, 1995: 38). In this case, it does not mean that the child is not guilty. It is confirmed by law that the child has committed criminal offence, but is not liable to criminal punishment due to his young age.

Researcher has studied various sections of the Criminal Code regarding Criminal Liability, which are as follows:

Section 74 “If a child aged between 7 to 14 commits an illegal act, he is not liable to punishment, but the court is authorized to proceed with following actions (1) give warning and release the child...”

Section 75 “If a person aged between 14 to 17 commits an illegal act, the court is given full authorization to consider that person’s conscience and all aspects in order to give judgment whether the person should be punished. If the court deems advisable to not punish the person, the court shall take further actions according to Section 74. However, if otherwise, the punishment shall be reduced to half.”

Section 76 “If a person aged between 17 to 20 commits an illegal act, the court may reduce the punishment to one-third or half.”

According to the Criminal Code above, it can be explained that judgment on juvenile delinquency is a sensitive issue which needs careful consideration. For instance, according to part of Section 75 above, “...the court is given full authorization to consider that person’s conscience and all aspects in order to give judgment whether the person should be punished. If the court deems advisable not to punish the person, the court shall take further actions according to Section 74. However, if otherwise, the punishment shall be reduced to half.” This can clearly show that judges are encouraged to take careful consideration.

Since the law aims to give least severe punishment to juveniles as they are still young and cannot differentiate right from wrong like adults, so it is easy for them to commit illegal acts.

According to the above mentioned qualitative study, the analysis of data collection from sample groups suggests that conducted juveniles are not given a chance by law in accordance with Section 73, 74, 75 and 76. The fact that juveniles are imprisoned can lead to both direct and indirect impacts on juveniles as follows:

Direct impacts: Besides losing chances according to law, these juveniles were all convicted of committing severe criminal offences. That means they are considered dangerous people in the society since the court did not reduce the punishment despite the court’s authorization to take careful consideration on the case.

The outcome of committing violent crime is long period imprisonment under detention of Juvenile Observation and Protection Centers, which are places of convicted juveniles.

Indirect impacts: Besides being imprisoned, juveniles will lack a chance to receive education. It was found that most of juveniles in this study completed secondary level (44.20%) followed by elementary level (39.18%).

By being imprisoned, juveniles will lose a chance to further their educations or have inconsistent education. Therefore, after they are released, they do not return to schools (64.10%), which will affect those with low education as they will lose a chance to get good jobs in the future.

In addition, criminal record can become a stigma to juveniles. They might face problems when applying for jobs since most private and public companies or organizations always check criminal record of applicants.

Consequently, having criminal record can affect juveniles' future careers as they will not easily be accepted by any workplace. However, even if they can get a job, they might not be trusted or accepted by their colleagues.

It can be concluded from the qualitative study obtained from in-depth interviews with Juvenile and Family Court judges that the punishment is appropriate with offences. However, juveniles committing the same kind of offence might receive different punishments due to many factors including age, background, occupation, and conscience, etc. Every case has been under careful consideration of judges, therefore, punishment ordered by court should serve juveniles' offences.

6.1.2 Impacts on Juveniles' Families

Besides impacts on the juveniles themselves, juveniles' imprisonment also has impacts on their families and relatives. Impacts from juvenile violent crimes are classified into two groups as follows:

Direct impacts: Once juveniles are imprisoned, their families lose important sources of income in the future.

When juveniles are imprisoned, their families might earn less income or have no income at all. According to a study, prior to imprisonment, 33.20% of imprisoned juveniles had jobs. This means that these juveniles have the responsibility to earn income for their families. If they are imprisoned, their families will lose important sources of family income.

Indirect impacts: Researcher has studied the Criminal Code regarding Criminal Liability, in which liability of parents or guardians was stated in Section 77, Paragraph 1 as follows:

Section 77 “In case the court sets a condition for parents or guardian to prevent their child from committing offences according to Section 74(2), if the child commits offences within the prescribed time, the court shall be authorized to force parents or guardian of the child to make payment of not exceeding the specified amount within the period deemed advisable by court. If the parents or guardian fails to make payment, the court may confiscate property of the parents or guardian to compensate the payment.

According to the Criminal Code, Section 77, parents or guardian’s liability is clearly stated. The court is authorized to set conditions for parents or guardian of a child to prevent the child from committing offences in accordance with 74 (2). If the child commits offences within the prescribed time, the court shall be authorized to force parents or guardian of the child to make payment of not exceeding the specified amount within the period deemed advisable by court. If the parents or guardian fails to make payment, the court may seize property of the parents or guardian to compensate the payment.

Such law has been made with a goal to encourage parents/guardian of the child to help monitor the child’s behaviors and prevent the child from developing deviant behaviors. The law has both advantages and disadvantages to parents or guardian of the child as their property will not be seized if they take a good care of their child. On the contrary, if parents or guardian of the child ignore their child, which might cause the child to develop deviant behaviors, the parents or guardian might be fined or their property seized.

6.1.3 Impacts on Others

Impacts on others was also found from the study that some of imprisoned juveniles used violence when committing offences. Offence severity can cause others death. According to the finding, juveniles are imprisoned from committing offences of assets the most (48.60%) followed by offences of life and body (25.60%) and offences relating to sexuality (20.70%).

All the above mentioned offences committed by juveniles can cause others difficulties, danger to life, body, sex and assets. The finding shows that only 36.67% of juvenile offences were without the use of violence while violence was concerned for the rest of juvenile offences. Offences can be classified as follows: use violence to break the law but no have someone gotten be injured or death (19.88%), violence causing injuries (12.74%), violence causing severe injuries (11.58%) and violence causing death (19.13%).

Thus, it can be concluded that violent crimes committed by juveniles are dangerous to the society since they can cause others injuries or deaths.

6.2 Remedial Measures of Juvenile Violent Crimes

6.2.1 Remedial Measures obtained from Quantitative Research

From the quantitative study, researcher has studied relations between variables used in this study, manifest variables, endogenous latent variables, and exogenous latent variables. The finding shows that none of the variables used in this study can single handedly affect the occurrence of juvenile violent crimes. However, all variables are influential factors causing juvenile violent crimes. The variables are in the form of path diagram which is already displayed.

From data analysis, latent variables leading to juvenile violent crimes, both in terms of type of offence and offence severity, are social environment and risk factor, and type of offence respectively.

The most important measure in solving juvenile violent crime problems is by improving juveniles' social environment, as well as getting rid of risk factors in the society. Since social environment and risk factor are highly related with type of offence, and type of offence is the most influential factor leading to violence, the best way to solve problems is by improving social environment and reducing risk factors in the society.

From quantitative study, it was found that there are five manifest variables involving social environment and risk factor of studied juveniles namely network/gang, owning weapons, purchase of alcohol/drugs/obscene materials, drinking alcohol, and playing sports/participating in social activities. In addition,

when considering correlation coefficient of social environment and risk factor, it was found that the most influential manifest variables to social environment and risk factor is drinking alcohol/taking drugs.

The best measure for solving problems is to solve at their roots. From the findings, the most important problems causing undesirable social environment and with the highest risk factors are drinking alcohol/taking drugs, network/gang, owning weapons, and purchasing alcohol/drugs/obscene materials (put in order based on findings of correlation coefficients of manifest variables based on social environment and risk factor measurement equations = 1.25, 1.00, 0.73 and 0.58 respectively). In order to get rid of such manifest variables, cooperation from all concerned parties is very necessary.

The best measure for problem solving must start from family. Parents/guardian of juveniles need to help monitor their children and prevent them from getting involved with alcohol/drugs. In addition, parents have to provide guidance and instruction for their children. For example, teaching their children not to get together with bad friends, involve with guns, knives or all kinds of explosives.

Moreover, parents/guardian of juveniles should always ask their children about their friends to see how they behave and where they live. Family also needs to teach their children to make friends with good people who love studying, join social activities and create no troubles. Finally, parents should guide their children to learn the importance of sports and social activity participation as these activities will keep children away from drugs. As a result, children will have strong physical and mental health.

Besides solving the problem at its root, all factors need to be considered for solving juvenile violent crimes. From the findings, it can be said that offence severity and type of offence are influenced by all factors.

Correlation coefficient of each manifest variable has been analyzed based on structural equations. Thus, it can be concluded that the best measure in solving juvenile violent crimes is through following classification.

Type of offence remedial measure: Problem solving must start from social environment and risk factor which is the main cause, followed by basic personal factor, economic factor, and family status and relations.

Offence severity remedial measure: Problem solving must start from type of offence which is the main cause, followed by economic factor, and family status and relations.

Good problem solving must take into account all factors. Besides parents/guardian who need to take care of children, all concerned people in the society need to help monitor children and solve problems, as well as get rid of variables which are causes of juvenile violent crimes. Concerned people include teachers, monks, sub-district chief, village headman and police in the area.

6.2.2 Remedial Measures obtained from Qualitative Study

From qualitative research findings, solving juvenile violent crimes cannot be done by focusing on only one factor. According to in-depth interviews with Juvenile and Family Court judges, and probation officials, both from administrative and operative levels, it can be concluded that a correct measure for solving problems is through improving the real causes of problems.

The court consideration to convict juveniles must be supported with enough information from Juvenile Observation and Protection Centers in order for the court to conduct investigation and accusation.

Juveniles who have committed violent crimes must be considered case by case. The real causes of juvenile violent crimes need to be found out, so that the problem can be solved at its root. Then, juveniles will not recommit violent crimes.

No one really has absolute power to deal with juveniles committing violent crimes. Thus, all concerned parties must be willing to help solve the problems.

To conduct an investigation, the officials need to find out whether juveniles' parents are involved with the violent crimes. If they are not involved with the crimes, but have ignored their children, they might be fined only since law enforcement in this issue still have problems with proof. It is hard to prove the intention of parents or guardians. Punishment should also be given to those who persuade or encourage juveniles to commit illegal acts, not only just parents.

The law enforcing parents to be liable to punishment caused by their children's illegal acts is appropriate. If the enforcement is taken seriously, a lot of problems will be solved. However, enforcing organization needs to be assigned.

Therefore, the appropriate solution, which prevents juveniles from recommitting violent acts, must start from family. Family needs to be ready for providing support and counseling to juveniles, with some supports from government organization. In addition, juveniles' behaviors must be closely monitored, with participation from people in the community. Meanwhile, the government needs to give serious and consistent supports such as increasing budget for handling offence recommitted juveniles appropriately, as well as seeking efficient personnel to work in the organization.

Light punishment such as short period of detention cause juveniles to not respect law. Juveniles do not feel the necessity to abide by law. Thus, the court should increase more severe punishment for juveniles, especially for those committing violent crimes. They should receive the same punishment as adults or similar.

Another important measure is by having people in the community take part in problem solving. Community activities should be encouraged to create good relationship between people in the society. Moreover, the government should not assign the duty to improve juveniles to Juvenile Observation and Protection Centers alone, but should encourage all concerned parties to help solve the problem.

In addition, another effective measure is by separating violent crimes committed juveniles from others and controlling them under strict law enforcement. Particular places should be assigned as the violent crime committed juveniles should not be mixed with juveniles committing general illegal acts. Skilled and specialized officers need to be sought to help solve the problem at its root.

However, most of the probation officials think that the real problem comes from the lack of interest in juvenile violent crime problem. There have never been any governmental organizations that solve the problem at its root. Therefore, the real cause of problem needs to be found out first. Furthermore, the government should not reduce punishment for juveniles who have committed violent crimes.

Court should have severe and tangible punishment to prevent behavior imitation by other juveniles. Departments in the Department of Juvenile Observation and Protection should be improved, such as by increasing training centers to support juveniles who commit violent crimes and develop security system. Meanwhile,

training should focus on basic and vocational education, together with teaching of religion, morality and ethics. Probation officials need to be well selected with the same standard and the Department of Prisons. They will also play a role as good teachers.

Consequently, bad attitudes and same environment can lead to recommitting of violent crimes among juveniles. The real cause of problem needs to be found out and environment needs to be improved. Strict law should be enforced and parents/guardian need to monitor and take care of their children. Meanwhile, juveniles of similar backgrounds can form network to monitor children in schools.

Finally, parents/guardian needs to take part in solving juvenile problems as they can provide guidance for their children. However, juvenile violent crime problems is also social problem, it should not be the responsibility of parents alone, but all concerned parties in the society since juveniles do not stay with their parents all the time. If juveniles commit illegal acts and the parents are also punished, the family might have bias toward justice system.