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An Empirical Analysis of the Influence of Reformative and Rehabilitative Methods for Juvenile Delinquents in India

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Abstract: *This research paper discusses the contemporary rehabilitative programs and reformative methods employed to support juvenile delinquents and examines the measures required for their re-existence into the mainstream society. In particular, this research studies the techniques, the rehabilitative programs and reformative models to evaluate the efficacy of such programs in addressing the personal requirements for juvenile delinquents. The major examples of the techniques, rehabilitative programs, and therapeutic models are training skills required to sustain in coordination, placing them in jobs, providing housing and infrastructure facilities, treatment for substance abuse, social connectedness involving peers and family and lastly proper therapeutic treatment.*

Rehabilitation and reformation usually refer to interventions that are good, compassionate and well intended helping a juvenile to restore back into the society/community. These programs give an opportunity to develop a rehabilitation model which also acts as a basis for the juveniles in conflict with the law that are likely to settle back in the society (Sanyal, 2012). As far as the psychological definition of rehabilitation is concerned, it goes as the effect of positive reinforcement for instance counseling rather than negative reinforcement for instance imprisonment. However, everyone does not agree with this view as it is not proved scientifically. This inquiry was solely based on a critical and extended analysis of research in the literature.

Keywords: *Juvenile Justice System, Reformative and Rehabilitative Methods, Therapeutic Methods, Correctional methods, Transitional phase.*

INTRODUCTION

Every society has treated its children in accordance with its religious, social and political beliefs. In the present scenario, crime is an aspect of life that is present whether it is acknowledged or ignored. Crime is being committed more frequently and more often by adolescents due to the impact of modern means of communication and advancement. Post-1990, Juvenile delinquency has been on the rise and yet as the cases of delinquency rises so does the number of delinquents that go to correctional facilities to serve time for the crimes they have committed. Research shows that previously incarcerated youth return to the justice system at alarmingly high rates (Sametz, Ahren, Yuan, 1994). Finally, internment youth have to come out of the correctional facilities and be re-intergraded back into mainstream society once time has been served. The statement of rehabilitation is that people are not permanently criminal particularly juveniles who often commit a crime under certain pressure and it is possible to restore them to a useful life, rather than propel them to a criminal career. The goal of rehabilitation is, therefore, to prevent them from becoming a recidivist. Rather than punishing the harm out of a criminal, rehabilitation seeks, by means of education or therapy, to make the juvenile in conflict with the law a healthy citizen of the society.

This inquiry attempts to examine current reformation and rehabilitation methods and its influence on juvenile delinquents.

STATEMENT OF PURPOSE

The most important factor why juvenile delinquents come to the juvenile justice homes is that they come to such homes with an array of problems that have caused them to commit delinquent acts (Mincey, Maldonado, Lacey, & Thompson, 2008). After the completion of sentence, they must re-enter the society and are entitled to live a normal life. It is the duty of correctional administration that administers the process of rehabilitation for juvenile delinquents have to deal with problems. The main problem comprises of the following:

1. Getting sufficient treatment that rehabilitates the juvenile offender so they are less likely to retrograde
2. Creating such an atmosphere that juvenile delinquent has pragmatic and accessible resources and means to make it in society which is initially the most difficult task
3. Convincing the juvenile delinquent who is fully aware and ready for this transitional phase to return to the society

Many juvenile delinquents as they come from downtrodden societies face a lot of issues such as poverty, substance abuse and an alarming problem of being victims of child abuse and rape (Mincey et al., 2008). It is noted that these issues can prompt the juvenile to lash out and commit delinquent acts. Now the question here arises that when these delinquents commit crimes, are found guilty and sent to correctional homes by the juvenile justice system, get another opportunity to live a crime-free life. But, the significant step for these juvenile delinquents is to encourage them once they get out of the system and try to reintegrate back into society (Bradshaw & Roseborough, 2005).

PURPOSE OF RESEARCH AND RESEARCH QUESTIONS

The purpose of doing this research is to study current rehabilitative programs and therapeutic methods engaged to support juvenile delinquents with re-entering mainstream society. Particularly, this research will examine the techniques, rehabilitative programs and the use of therapeutic models to assess the effectiveness of programs in addressing the personal needs of juvenile delinquents such as treatment for substance abuse, job placement, skills training and development, accommodation, social interactions with peers and family and proper therapeutic treatment. The following research questions were made for this investigation:

1. How difficult is for a juvenile delinquent to adjust to normal life and cope with the consequences of their unlawful actions?
2. What kind of measures are to be taken to help juvenile delinquents lead a more constructive life as opposed to recidivating to crime so that they would not indulge in delinquent acts again?
3. Are reformatory and rehabilitative methods sufficient to help juvenile delinquents live better lives again or there is the possibility of their lives filled with criminal activity again?

THEORETICAL FRAMEWORK

In order to understand the basis for any empirical study, it is compulsory to study the foundational theories to help explain juvenile delinquency and the rehabilitative methods in a better manner. Further, to explain the concept in a refined way we rely on a dual theoretical framework that includes the rehabilitation model and three important theories that help in explaining juvenile delinquency. The three theories that are used in this study include Strain theory by Merton (1938), Social Control theory by Hirschi (1969), and Differential Association theory by Sutherland (1947).

DELIMITATIONS OF THE INQUIRY

The method in which the researcher establishes boundaries to make this inquiry convenient is not examining every type of rehabilitative and reformatory method. These types of methods that were examined in this study were: group therapy, group housing, family therapy and vocational education and training. This study looked specifically at juvenile delinquents who were given the opportunity to re-integrate back into mainstream society with contrasting comparison to the population of juvenile delinquents who continue to stay in the justice system. This inquiry exclusively looked at the aforementioned reformatory and rehabilitative methods and the consequences of these methods on the juvenile delinquents in relation to being rehabilitated to re-enter into the mainstream society and practical alternatives to recidivating.

LIMITATIONS OF THE INQUIRY

Due to the sensitivity of the topic, limitations must be acknowledged. First, the access to understanding the perception of juvenile delinquents is very limited. Secondly, this study is looking at rehabilitative and therapeutic methods that would go against the positive progression of treatment to ask questions about what juvenile delinquents think about therapy methods used on them. In addition, the issue of being an adolescent/minor and having the consent of a parent or guardian is mandatory to further investigate the juvenile delinquents.

Another limitation was the time constraint, allotted to conduct this study. The nature of this study requires completion and approval from the Correctional administrators and given the extensive time frame required to complete the whole process was not possible to collect actual data with human subjects. Therefore this study relied solely on critical and extended analysis of the literature. Open and direct access is not allowed because they are considered vulnerable groups that need to be protected at all stages. Furthermore, it is very difficult to have access to amenities to observe the nature of the environment and the techniques that are used in reformation and rehabilitation process. Because while treating them a sense of safety is created for while they go through this process. Finally, another limitation is that there is patient –client confidentiality so certain issues of individual juvenile delinquent scenarios a researcher does not have access to if given the opportunity to interview specialists (counselors, therapists, and supervisors of treatment programs).

REVIEW OF LITERATURE

The purpose of review of literature is to get a deeper understanding of reformatory methods and their effect on juvenile delinquents. Different alternatives for rehabilitation will be examined to show how different forms of rehabilitative methods for juvenile delinquents help reduce recidivism. The studies related to juvenile justice, care and protection indicate that the most effective way to find constructive solutions to the involvement of young children in activities that violate a law is to involve them in the process of rehabilitation and not to consider them as merely 'trouble makers' or 'problem children'. Recognition of and respect for their rights as a human being and as a child is an important first step in this direction. (<http://www.wcd.nic.in>)

Generally, this section deals with the books, journals, scholarly research studies and articles that address the reformatory and rehabilitation models with reference to juvenile delinquents including therapeutic methods that help in rehabilitating the juvenile delinquents include: a) group therapy –Psychotherapy b) group housing - Shelter c) family therapy -counseling. Vocational training is another area that needs to be examined in relation to juvenile delinquents with rehabilitation and reducing recidivism. This study has examined all different types of rehabilitative methods aforementioned that can be used to rehabilitate juvenile delinquents so that they do not recidivate.

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 IN INDIA

In general, the term 'juvenile delinquency' has been differently interpreted as it refers to the unlawful activities of adolescents which the society does not accept and for which they have been imparted some kind of admonishment, penalty or preventive and corrective measures. The word 'juvenile' has been derived from Latin term 'Juveniles', meaning thereby young. In countries like Japan, Taiwan, and South Korea, a minor is a person who has attained the age of 20 years. But, in Australia, Canada, India, New Zealand, United Kingdom, Brazil and Croatia, a minor is defined as a person under the age of 18. In the United States, where the age of majority is set by the individual states, minor usually refers to someone under the age of 18, but can be used in certain areas to define someone under the age of 21. Today, this is a universally accepted definition of a child which comes from the United Nations Convention on Rights of the Child. However, 'Juvenile' is distinguished from a 'Child' though the factor falls into the same category. Section 2 (1) of the Juveniles Justice Act, 2000 has defined "juvenile in conflict with law" as a juvenile who is alleged to have committed an offense and has not completed eighteen years of age as on the date of commission of such offense. Definition and determining of juveniles in conflict with the law in India follows the prescribed rules in Juvenile Justice Act, 2000 in India. (Sanyal, 2012) Previously, in Juveniles Justice Act 1986, the Justice System followed separate maximum age limit for boys and girls, respectively 18 and 16. In the year 2000, it was amended to 18 for both boys and girls. As per Ved Kumari (2004), in the Indian context, Juvenile Justice provides a comparative analysis of provisions for developing a comprehensive and integrated system keeping in mind the vision and concern of the lawmakers as the pattern of implementation. There is an increase in crime rate by older juveniles in India whose age range falls between 17 to 18 and who get away easily with a minimum punishment of a few days to maximum punishment of 3 years after conviction. They do not realize the seriousness of the crime they have committed with no sense of guilt thereby, repeating an offense or following the criminal path is the common practice. After the most horrifying incident in Delhi on 16th December 2012, where a 23 years old student was gang raped in a running bus and in this incident, a juvenile was equally and immorally involved in the crime. There was a massive hue and cry from all sections of the society across the country and a strong enforcement from lawmakers, amendment the Act and reducing the age of a juvenile from 18 to 16 years. It has been discussed in Times of India January 5, 2013, Saturday edition that, "while it is argued that the purpose of the Juvenile Justice Act is to reform and rehabilitate children who are in conflict with the law so that the accused is likely to walk out of the reformatory in a few months. So, the objective is hardly being achieved". Under such circumstances, comparison is drawn with the UK where a person who has attained the age of 17 is an adult. Besides, if a juvenile is below 17 but involved in serious offenses like sexual assault, or any other sexual activity with a child, he is then tried with an adult (Sunday Times, 5th Jan 2013)

Juvenile delinquency is a major problem that has been going on at younger ages within society at higher rates and more frequently (Lober, Farrington, Petechuk, 2003). There are a number of reasons that trigger causes as to why children are resorting to delinquency and showing inexorable behavior to become delinquents and in turn, delinquents are more likely to become serious, violent or chronic juvenile offenders (Lober, Farrington, Petechuk, 2003). As stated in the original study from (Kazdin and Kendall, 1998a), understanding the early emergence of problem behaviors may help in the creation of earlier, effective interventions for prevention of child delinquency (Lober, Farrington, Petechuk, 2003). So, it is essential to point out the risk factors that lead to juvenile delinquency for better understanding and persistent problems in their adolescence.

Lets us talk about the family environment; it has been observed that if a child is closer to the mother; there are fewer chances of a child to be at risk for delinquency (Lober, Farrington, Petechuk, 2003). This statement gives us evidence and validation to understanding the Social Control Theory by Hirschi (1969) because this theory states that social bonds are the possessions that keep people from committing criminal acts having strong bonds with family and social institutions such as religious places and institutions can help juveniles not resorting to delinquency (Mincey et al, 2008) .

Moreover, it has been observed that the risk factors are interrelated with each other and gives clear indication why some children commit delinquent acts at a very young age. Meaning anti-social behavior and family characteristics are important interpreters of the onset offending (Lober, Farrington, Petechuk, 2003). Family characteristics include anti-social parents, substance abuse, criminal parents or having a history of family violence, large family size, and prevalence of physical abuse are some of the risk factors that play into children participating in juvenile delinquency (Lober, Farrington, Petechuk, 2003). The other reason associated with delinquent acts the issue of "peer pressure".

Prior research suggests that peer associations are the most important proximate cause of adolescent delinquency (Payne & Cornwell, 2007). As stated in the original study conducted by (Coie & Miller- Johnson, 1995) youth who associate with deviant peers are likely to be arrested earlier than youth who do not associate with such peers (Lober, Farrington, Petechuk, 2003). Going back to the Control theory by Hirschi (1969) if a juvenile delinquent has strong social bonds that are negative and perpetuate committing criminal deviant acts the juvenile delinquent is more likely to be influenced to participate in deviant acts with peers who engage in the acts as well. The importance of having accomplices cannot be overstressed in child delinquency (Lober, Farrington, Petechuk, 2003).

Juvenile delinquency is a vast issue that needs to be addressed because it is becoming more noticeable and conventional in today's society. Juvenile delinquency is a complex trend that needs to be critically divided to initiate to understand specifically all the reasons why children turn to delinquency. By undoing helps understand juvenile delinquency that deeply shapes ways in which juvenile delinquents who go through the juvenile justice system are rehabilitated. Also, this shapes and creates ways in which prevention and intervention programs can be tailored to at-risk youth before becoming juvenile delinquents.

REHABILITATION

The center point of the rehabilitative model is in the treatment of the delinquents with intervention programs such as probation, supervision, employment, educational training, cognitive skills training, and behavior therapy that would change their behaviour and reduce the frequency of repeating the same offenses (Bradshaw & Roseborough, 2005). Rehabilitation is crucial to juvenile delinquents and re-entry into mainstream society because being rehabilitated sets the foundation to lead a healthy lifestyle in the community once out of the juvenile justice system. The rehabilitation model is ideal for the retributive model because the retributive model primarily focuses on punishment as deterrence is not as effective (Bradshaw & Roseborough, 2005).

Rehabilitation as a practical model is rehabilitative method addresses the personal needs of juvenile delinquents and gives juvenile delinquents realistic options to make it in society without having to recidivate. The rehabilitation model ties into the Strain theory by Merton (1938) which states that in life there are "goals and means" and everyone wants to achieve their own version of the dream. When one does not have the means to obtain goals, sometimes one is forced to resort to illegal means to achieve one's goals. Therefore, rehabilitation is vital because it teaches one through the process of rehabilitation there are necessary steps that are taken to obtain goals and the means of getting one's goals accomplished in a legitimate way.

Juvenile delinquents' receiving proper rehabilitative methods is important because this lowers the possibility of juvenile delinquents that will recidivate and have to re-enter the juvenile justice system. Child delinquents are expensive to taxpayers and society (Lober, Farrington, Petechuk, 2003). Due to the fact that juvenile delinquents are rehabilitated through local, State, and federal funded programs and interventions, the money that supports these interventions is taxpayers. Rehabilitative methods have to be realistic to implement and teach juvenile delinquents how to make it in society after being treated. The need for rehabilitative methods to be effective is essential so that more money does not have to be wasted on programs that do not properly rehabilitate juvenile delinquents.

THERAPEUTIC METHODS

GROUP THERAPY

In therapeutic methods, Group therapy works more than individual therapy because it allows the therapist to take a moderator role and allow the juvenile delinquents to challenge themselves to figure out issues they deal with and overcome it (Yong, 1971). This means that the therapist is at the therapy session, but juvenile delinquents take an active role over the therapist. Additionally, group therapy creates a basis for commonalities amongst the juvenile delinquents that allows the juvenile delinquents to depict common experiences as contrasting to being singled out (Yong, 1971).

Comparatively to individual therapy, juvenile delinquents can be unresponsive in so individual sessions that are not as productive as in group therapy a huge shift takes place because of all the non-verbal communication and active listening of the juvenile delinquents (Yong, 1971). This active listening creates a breakthrough in rehabilitation because the juvenile delinquents are seeking answers and support from each other. This research is important because it shows the positive effects of group therapy.

GROUP HOUSING

Group Housing or Residential fallibility offer a strong advantage for juvenile delinquents while going through the rehabilitation process. Rehabilitation is a process and sometimes going back to the same environment is not advantageous when trying to make a change in one's life. Because group housing is unique in offering a lot of services that juvenile delinquents need, they can get the services they need and have a safe environment to help with the transition process back into society. Research has shown that rehabilitation plays an important role in reducing recidivism (Mincey et al, 2008). This lends evidence to show that because rehabilitation is important in eliminating future crime, having group housing is necessary because it offers an array of advantages. Juvenile delinquents are not committing more acts of crime because they have a positive environment to flourish in rather than going back to the original environment that thrived delinquency.

FAMILY THERAPY

The involvement of family members or family therapy is an important part of the rehabilitation process for juvenile delinquents. The research has proved that for many juvenile delinquents they come from families where there are many siblings so time is stretched and each child does not get adequate attention. Also, the parents are not involved because of other issues such as substance abuse, incarceration and or poverty. Supportive families help the former offender overcome difficult program experiences while

going through the rehabilitation process (Mincey et al, 2008). Family therapy also allows the whole family to be rehabilitated because the family gets the opportunity to process the situation of their former delinquent child. Family therapy helps to explain the control theory (1969) because the therapy process allows for strong social bonds to be created through therapy so; juvenile delinquents are less likely to recidivate because they are rebuilding a strong foundational relationship.

VOCATIONAL EDUCATION

Vocational training is transition services that provide career counseling, job placement for better living and re-enter back into the mainstream society (Conlon et al, 2008).

This type of treatment is key because if the juvenile delinquents have an easier time transitioning back into society, knowing that they came live successfully they are less likely to commit a delinquent act or recidivate. The high schools offer an array of services with is key to juvenile delinquents success. One program that is extremely used and popular is the welding program. Nearly every young man who has received multiple certificates in a variety of welding skills before being paroled is employed and successful in the community (Conlon et al, 2008). Juvenile delinquents are more confident when they have a skill or trade that they are trained, thus making it easier to transition back into society. Research has demonstrated that reduced recidivism rates are secondary outcome of successful education program in youth corrections (Conlon et. al 2008). Education is a critical component of an overall plan for rehabilitation of juvenile offenders (Conlon et al, 2008).

METHODS FOR COLLECTING AND ANALYZING THE LITERATURE

The purpose of this section is to review the methods employed to prepare this conceptual paper. In addition, this section will propose research methods for future empirical inquiry.

The methods used to collect and analyze the literature were using the university online database services and the library specifically identifying books and journals that dealt with rehabilitation and juvenile delinquents. The researcher met with the Criminal Justice Librarian to seek additional guidance for sources in this research inquiry. The main databases that the researcher used came from Criminal Justice Abstracts and Criminal Justice Periodicals. In addition, the researcher looked for sources in other areas of data bases that included law, Psychology, Family Science, Sociology and General/ Multi-disciplinary approaches to help broaden the search for relevant information.

There is preference for qualitative methods over quantitative or mixed methods because it is designed to capture and convey the experiences of the subjects dealing with their personal narratives, statements and feelings (Ruane, 2005). For this inquiry and research a qualitative method is the best method to use for more accurate analysis. Therefore, to get better understanding of the effectiveness of rehabilitative methods with juvenile delinquents this is the best method to collect that data.

CONCLUSION

The rehabilitation model has been used more frequently with juvenile delinquents because the foundation of what the model practices and it helps to reduce recidivism of juvenile delinquents (Cole & Smith, 2005). Rehabilitation offers a wide variety of therapy methods, educational, and vocational training. Therefore juveniles have a better chance in making in society because they are given resources that promote change and success rather than resorting back to delinquency. This creates strong social bonds, and eliminates the strain (Hirschi 1969; Merton, 1938).

CONCLUSION 1:

A main conclusion from this study is that there has to be a separation of handling for first time offenders and repeated offenders. Many times the same rehabilitation methods are used for both groups. This is acceptable but that the fact is that chronic offenders tend to commit more and more serious crimes. So, the duration of treatment and even specific methods used have to be purposeful for repeated offenders.

CONCLUSION 2:

The success rate of Rehabilitation and reformative models of the juvenile delinquent depends upon each person involved in the rehabilitation process and is willing to make the changes and sacrifices necessary to achieve the goal of a rehabilitated juvenile re-entering society as a healthy citizen (Mincey et al, 2008). This plays a major role in the success or failure of juvenile delinquents.

RECOMMENDATIONS

RECOMMENDATION 1

Recommendations for future research is emphasis should be more on the structural analysis rather than focusing on skills development personnel are hired to work with juvenile delinquents. This is significant because the foremost part of juvenile delinquents succeeding through rehabilitation is having adult offenders who at later stages want to support them, promote them for carrying forward with immoral and other delinquent activities.

RECOMMENDATION 2

There must be significant consideration for addressing the implementation of rehabilitation methods. This is because many times with vocational education, even though it does give juvenile delinquents job skills vocational education prepares juvenile delinquents for some jobs that they will not be able to obtain (Cole & Smith, 2005). This consideration is imperative because this

could bring about further occurrences of delinquency. The strain theory states that if one does not have the means (specifically – getting the job that one was trained for) then ultimately the goals cannot be reached to have a legitimate job. Therefore a “strain” is created and the likelihood a delinquency happening again is more than possible.

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