

PAPERS □ Sec. Estefania Aldaba Lim

The social dimensions of crimes

THE social development dimension of any program for crime reduction has to do with (1) identification and dynamic use of factors with high causal significance to crime; (2) the imperatives of institutional restructuring for developmental change; (3) the need to find a workable level of discipline or freedom consistent with a well-ordered but compassionate society; and (4) the innovative and cooperative roles to be played by the welfare, both government and private services, in the criminal justice system.

Understanding the Young Offender

THE area of crime and delinquency is a field I have been deeply interested in for many years, both as a professional psychologist and for many years as an avid student of mental health. This interest led me to pursue an in-depth research which produced the volume entitled *Toward Understanding the Filipino Juvenile Delinquent* completed and published in 1969. The research team assumed that a clear knowledge of the causes or related causes of juvenile delinquency can naturally lead to a better understanding of how to control and prevent delinquency. For delinquency, like other forms of behavior, is responsive to psychological temperamental disharmonies, social and economic conditions; as well as to other dominant features of a particular society or subculture in that society. Keeping this in mind we set out to study the problems of juvenile delinquency at various levels of the personality: the intellectual level, the emotional temperamental level and the socio-cultural level using the classical technique of comparing an experimental group of juvenile delinquents who

were matched with a control group of nondelinquents.

In this in-depth study of the Filipino juvenile delinquent, my colleagues and I in the research team identified a number of factors with significant causal relationship to delinquency including a personality profile characterized by feelings of insecurity, anxiety, inferiority, resentment, suspiciousness, and defensiveness; unfavorable family relationships (lack of discipline—overstrict or loose), including broken homes, being very young at the time of the separation from the mother, being born in an urban setting, having illegitimate parents, etc. and of course, poverty.

Development Emphasis

I MENTIONED these factors because the Department of Social Welfare in its program for the disadvantaged youth is now emphasizing preventive, rehabilitative, and interceptive services as a trust more in accord with the development efforts of our compassionate society.

Preventive Services are those intended to curtail the onset of delinquency by identification and dynamic utilization of factors proven to be conducive to wholesome family life and strengthening of moral character or by avoiding and offsetting the harmful effects of factors identified to have significant causal relationship to the commission of anti-social acts.

When a youth offender is rehabilitated, a vital first step in his normalization is the breaking down of his values, attitudes, and ego-structures which support his psychological disorganization and negative response to environmental and societal conditions. Only after



Sec. Lim: "Emphasis on prevention."

these have been "broken down" can you now rebuild a youth offender's ego-strengths and reestablish reality contact points that prestage the youth offender's turning point to normalization.

The welfare field seeks to provide **habilitative** measures by consciously bringing about conditions which maximize possibilities and opportunities for the enjoyment of a satisfactory quality of life before the formation of undesirable attitudes and values or the habits associated with anti-social behavior.

Interceptive services intervene between the youth offender and what his life might become as a hardened adult criminal by breaking the cycle or chain of conditions most conducive to more acts of delinquency and hardened criminality and preventing his entry into the penal system. The procedures embodied in PD 603 are essentially interceptive in direction.

When the youth offender, despite efforts to prevent, habilitate, or intercept the occurrence of delinquency nonetheless enters the criminal justice system, then **rehabilitative services** are provided to restore the youth offender to the fullest possible physical, mental, and economic attitudes and values which the youth offender is capable within his limitations.

Rehabilitation is essentially more complex and difficult than habilitation and prevention, for it involves the dual process of breaking down built-in values and negative attitudes and building up and restructuring positive values and ego-strengths. We need to also bear in mind that the trauma of having committed an essentially violent and unnatural act is now imprinted in the mind of the youth offender and must be slowly erased by the healing of mind and body.

Restructuring of Institutions

THIS brings me to the second point, that is the imperative of restructuring of institutions for developmental change. A major obstacle to the success of services for the welfare of children are the attitudes and values notably prevailing in the home and the school first, and other established institutions which need to be changed before major inroads into crime prevention and control can be achieved. This was clearly evident in the profile of the Filipino juvenile delinquent study. In the words of the President, "Sa ikaunlad ng bayan, disiplinang at kailangan."

Institutional forms of group life, like the family, law enforcement and judicial agencies, and the church conserve values from interactions between and within groups and handed down from the traditions of the past. With socio-economic and environmental changes, the institution in order to survive must now give up, modify, or restructure both forms and values to be responsive to evolutionary or revolutionary changes, that is if we are to survive. How does one instill discipline in the

people? This is a complex task which the New Society deliberately embarked upon the very first day martial law was declared. The obvious changes in the attitude discipline of the people which we feel and see around us are the results of institutional changes. In a series of presidential decrees, proclamations, general orders, and letters of instructions these institutional changes are assiduously implemented by all the institutions concerned.

However, I still see gaps in the chain of measures taken thus far in achieving the personal discipline notably for the young to insure the continuity of institutional restructuring for developmental changes. We must fully implement value inculcation, internalization of discipline in the education of the young. No longer through the old fashioned direct prescription method characterized by "a good manners and right conduct course"; but via a psychodynamic strategy of redefining and reorienting values. Every teacher in our educational system must be a viable instrument for value-teaching first and a mathematics, science or language teacher next.

Looking at the innovative provisions of PD 603 on youth offenders, we find a sharp departure from the past "Save Society from Criminals" philosophy to a developmental, interceptive approach where every effort is exerted to promote his welfare by the society against which he has committed an act of violence.

What about judges who favor "easier ways out" by sentencing a youth offender for a misdemeanor rather than rehabilitating him for a year or more which takes longer? Is time the dimension to consider?

Presidential Decree 603 suspends judgment for those below 21 and wipes out criminal liability even to the destruction of records, whether physical or constructive. Can the same judge, the same police officer easily switch from the punitive to the developmental interceptive approach, merely by observing an age demarcation line? Are those proposing a return to Article 80 and below sixteen age for youth offenders to avail of suspended sentence really saying: Let us adopt a developmental approach for youth below 16 and inflict adult punishment for those above 16? The same observations are valid for probation at the proposed age levels of 21-24.

Levels of Discipline and Freedom

IN this connection, our societal values reject the extremes of absolute control or enslavement and absolute freedom or anarchy. But if we are to allow discipline and compassionate freedom to co-exist, where is the point of workable social control compatible with social freedom? Agreement as to the workable level of control and freedom would again require an examination of ideals and the restructuring of mechanisms of discipline in our new society.

Ideally, the optimum level of cooperation would be the phasing out of the criminal justice system because there would be no offenders nor criminals. This is unlikely for the predictable future.

Demographic information supplied by the Bureau of Census and Statistics indicate that of the total population of 41.8 million as of May 1973; 5,461,000 are ages 10-14 and 4,913,000 are ages 15-19; this means that about 10.4 million youth are within the age range of over 9 and below 21 who are covered by the youth offender provisions of PD 603.

Using the minimum estimate of three per cent of the youth population as the index for potential delinquency, three per cent of the 10.4 million youth would be 312,000. This implies that if we are to meet the needs of the youth we must be prepared to provide staff, facilities, and logistics for the apprehension, processing, and rehabilitation of over 300,000 youth. The implication is that the community must provide habilitative, preventive, and interceptive services for 97% or 10.1 million youth. Are we equipped to do this? Can we afford not to do this? □



The youth: how do you instill discipline?