

## CHAPTER IX

### CONCLUSION

In the penal system of Malaysia, offenders who are found guilty of committing the offences of which they are charged with are usually sent to penal institutions to serve their terms of sentence. The rationale for the above system is reflected through the aims of punishment. Society wants to be protected, to be free from the activities of criminals, society also demands vengeance for wrong done to them. Further, by imprisoning convicted offenders, society hopes to deter potential ones. Society also hopes that the offenders will be rehabilitated while in prison. While all the aims of punishment justify the sending of convicted offenders to the prisons, rehabilitation is the most important and effective aim. It is only through reformation of the offender's mind that society is ensured that the crime rate in the country will be lowered substantially.

The Special Prison, Seremban, has as its chief objective, the rehabilitation of its inmates. The study in this Paper is to assess how far this objective has been achieved in that prison.

The reception procedure plays an important part in the reformation of inmates. The admission procedure and subsequent interview between the Reception Board and the new arrival are carried out as a matter of routine and seldom is the new arrival made ready to embark on the rehabilitation programme. It has been advocated by the writer that group sessions between the Reception Officer and new arrivals be held daily here the treatment programme, rules and regulations of the prison, doubts of the new arrivals are discussed. It is also recommended that the questioning of the new arrival by the Reception Board be more substantive in nature, going into the various reasons for the commission of the offence, paying particular attention to the social circumstances surrounding the commission of the offences rather than on the past history of the offender which, in most cases, have already been recorded down. The process of classification of prisoners should also be closely related to the rehabilitation programme. Emphasis should be laid on the period after release so as to assess the effectiveness of the rehabilitation programme in the prison. This is important because the blame always go to the prisoners but never on the authorities. This Paper suggests that the authority should evaluate its programme and corrective measures should be taken to have a more meaningful and effective rehabilitation programme.

Discipline in prison must be enforced only to the extent of maintaining a well-ordered community life in prison.

It is important for Prison Officers to understand correctly their role in the enforcement of discipline. In cases where minor prison offences are committed by first offenders of Prison Rules, advice and warning should be given. This is because the giving of advice may have more impact on the mind of the prison offender than the infliction of punishment. But where the rules are broken by habitual offenders of Prison Rules, such offenders should be reported and reasonable punishment inflicted. It has been illustrated that relatively few prisoners breach the Prison Rules. There can be two interpretations for this state of affairs. The prisoners may be responding to the treatment programme and, therefore, no longer relish in violating rules; or they only comply with the rules to live comfortably in prison. If the latter interpretation prevail, then it cannot be said that the disciplinary rules are effective. It has been suggested by the writer that an effective orientation programme can eliminate the indifferent attitude of the inmates towards Prison Rules and Regulations and the rehabilitation programme as a whole.

In the Special Prison, penal facilities in the form of vocational training, educational classes, recreational activities and spiritual welfare are provided for. The success of the vocational training programme, however, depends on the attitudes of the inmates towards the learning of vocational skills and their ability to obtain employment involving such skills after

discharge. It has been established by the writer that intelligent inmates and those, who though are not so intelligent but are willing to learn, have successfully acquired a number of skills during their terms in prison. On the other hand, the lazy and indifferent inmates rarely benefit from such a programme. It has also been established that ex-prisoners find difficulties in obtaining employment due to the reluctance of society to employ ex-convicts. As suggested, a work-release programme should be implemented whereby prisoners due for discharge are employed outside the prison. The effectiveness of this programme, however, would depend on the degree of rehabilitation achieved by the inmates and the willingness of society to support the programme. A change in the public's attitude towards the employment of ex-convicts is needed and it has been suggested that the Government bodies start the precedent of absorbing rehabilitated ex-convicts into their labour force as an example to private enterprises.

The standard of education prevalent among the inmates is generally very low due to economic and social circumstances. As part of the rehabilitation programme, educational classes are conducted in the Special Prisons. In addition to the Bahasa Malaysia classes, it is advocated that English classes also be conducted by qualified teachers. The inmates should be allowed to take their exercise books and short pencils back to their cells

to practise what they have studied in their class that day.

Enterprising "students" who wish to sit for public examinations should be given a chance to do so. It is also urged that suitable library books and magazines be provided and that a newsletter, produced by the inmates themselves reflecting their thoughts and problems, be started as part of the educational programme in the prison.

As far as recreation is concerned, it is suggested that every inmate participate in some form of physical exercise and be allowed to watch selected television programmes. Further, matches should be arranged between inmates and outside organisations so that the public is aware of the process of rehabilitation of prisoners and the inmates feel that society is willing to accept them again if they reform.

If a man strongly believes in his faith, he will not commit any crime. Some form of religious instruction is given in the prison. It is suggested that any request made by the inmates concerning their spiritual welfare, provided it is not trivial, should be considered and granted without unnecessary delay. Further, group discussions concerning religious matters should be conducted in the evenings so that inmates learn to live by their faith and not by their criminal activities.

The feelings of inmates towards society, fellow-inmates, prison officers and their families play an important part in determining whether they will make an effort to reform themselves with the aid of the rehabilitative programme.

Society must realize that it has a duty to change the anti-social feeling of inmates but first it must change the social causes which force many to turn to crime as a solution to their miseries. The writer urges for a study into the causes of crime to be undertaken so that more effective solutions can be drafted and put into practice.

The inmates are governed by The Inmate Social Code which aims at group cohesion and which regulates the conduct of each inmate towards his fellow-inmates and towards the Prison Officers. It has also been established by the writer that several social groups can be pinpointed in the prison, namely, the "complete-clique" group, the "group" inmates, the "semi-solitary" group, and the "complete-solitary" group. Every new arrival is absorbed into this social system of inmates and as long as he lives within the confines of the Code, he is highly respected by his fellow-inmates and by himself as well. Thus he is able to preserve his dignity and is able to endure manfully his loss of freedom.

Inmates - Prison Officers Relationship is yet another aspect of the sociology of inmates. Prison Officers should be

aware of the misery of the inmates and should voluntarily furnish advice whenever they see it fit to do so. Their relationship with the inmates should be advisory rather than a commanding one. However, care should be taken that the inmates do not exploit this type of relationship. The inmates should not only obey the Prison Officers but should also consider them as a source whereby advice can be given and acted upon. The writer has emphasised on the need of a genuine officer-inmate relationship which should not be used as a tool by which one can exploit the other.

There is a need for inmates to keep in constant touch with their families so that they can maintain to some extent their roles in their respective family lives. Such a need is catered for by the Prison Rules 1953 governing letters and visits. It is urged, however, that such communication be regarded as a right of prisoners detained with a view to banishment rather than a privilege. It is further suggested that the length of letters should not be limited in any way but that the letters can be stopped from reaching the inmates if the contents are objectionable. Inmates' requests concerning the welfare of their families should be seen to promptly and the consequent results notified them. Such requests reflect to some extent the realisation by the inmates that they are the cause for the hardship imposed on their families and therefore they will try to reform themselves and fulfil their family roles properly in the future.

The rehabilitation programme of a prison should specially cater for the needs of recidivists. Recidivists usually come from families with low income, broken family life, have received either none or very little education, mix with undesirable associates and commit a pattern of similar crimes for which they are usually caught, tried and convicted. During their previous terms in prison, recidivists often display skill at their work and good conduct, but once discharged, they nevertheless turn to crime again. It is suggested therefore that social education should be given more emphasis in the rehabilitation programme of recidivists, that the sentence imposed on recidivists be commensurate with their needs being neither too long nor too short a period and that they be put on parole at the precise time when they are ready to re-enter society again.

The legal rights of prisoners should be made known to them on their admission into the prison and the prison Authority should do everything in consistency with these rights. There is a lack, however, of procedural remedies to support each substantive right and protection which, each inmate is supposed to have. Further, even if prisoners want to enforce these rights, very often they lack the means to do so. Therefore, adequate procedural remedies should be provided to safeguard the rights of prisoners.



It is submitted that the Prisons Ordinance 1952 and Prisons Rules 1953 be revised immediately. Some of the Rules, especially those pertaining to the punishment for offences committed in prison, are punitive and harsh and inconsistent with the aim of rehabilitation of offenders.

Finally, after having undergone an effective rehabilitation programme, a reformed criminal even a former recidivist should not have been quoted to have said "life in a prison cell reminds me a great deal of Advent - one waits and hopes and potters about, but in the end what we do is of little consequence, for the door is shut, and it can only be opened from the outside."<sup>1</sup> While the door of the prison is shut, the doors of wisdom, understanding, appreciation and acceptance of society's norms should be opened to a rehabilitated prisoner.

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<sup>1</sup>Dietrich Bonhoeffer, "Letters from Prison" in Crime and Its Control reprinted from Acta Juridica, 1971, pp.167-204; Juta and Co. Ltd.