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## DOES THE PAROLE PROGRAM AFFECT RECIDIVISM? QUALITATIVE ANALYSIS IN MALAYSIA

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### Abstract

**Objective:** the objective of this study is to identify the critical factors that present challenges and opportunities for parolees in Malaysia to avoid committing repeated crimes and reduce recidivism.

**Methods:** the study employs a qualitative approach, using face-to-face interviews with prison officers in the state of Pahang, Malaysia, to gather data. Content analysis is used to analyse the data and identify the critical factors for parole activities in Malaysia.

**Results:** the study identified five crucial factors that affect parole activities in Malaysia: individuals, families, communities, private institutions, and government policies. Individuals refer to the characteristics and behavior of the parolee, while families and communities relate to the support and involvement of the parolee's family and community in the rehabilitation process. Private institutions, such as Intermediate Houses and Corporate Smart Internship (CSI), can provide support and resources for parolees, and effective government policies and practices can ensure successful reintegration into society. Further studies could investigate the specific ways in which these factors influence parole activities in Malaysia and explore best practices for reducing recidivism rates.

**Scientific novelty:** this study contributes to the literature on parole activities in Malaysia by identifying critical factors that can impact the success of the parole system in reducing recidivism. The study provides valuable insights into the challenges and opportunities faced by parolees in Malaysia.

**Practical significance:** the findings of this study can be used by the Malaysian Prisons Department to develop effective strategies and policies to reduce recidivism rates and improve the success of the parole system. The study can also be used by other countries with similar parole systems to identify critical factors that impact the success of their parole programs.

**Keywords:** Criminal-legal sciences, Parole, Recidivism, Prison Economy, Correctional Management, Correctional Education

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Научная статья

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## ВЛИЯНИЕ ПРОГРАММЫ УСЛОВНО-ДОСРОЧНОГО ОСВОБОЖДЕНИЯ НА УРОВЕНЬ РЕЦИДИВИЗМА. КАЧЕСТВЕННЫЙ АНАЛИЗ СИТУАЦИИ В МАЛАЙЗИИ

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### Аннотация

**Цель:** выявление важнейших факторов, определяющих проблемы и возможности условно-досрочно освобожденных в Малайзии с целью снижения уровня рецидивизма.

**Методы:** в работе используется качественный подход, в рамках которого сбор данных осуществлялся путем очных бесед с сотрудниками исправительных учреждений в штате Паханг (Малайзия). С помощью метода контент-анализа проводился анализ данных и определялись критические факторы деятельности по условно-досрочному освобождению (далее – УДО) в Малайзии.

**Результаты:** в ходе исследования определены пять ключевых факторов, влияющих на деятельность по УДО в Малайзии, а именно: отдельные лица, семьи, сообщества, частные институты, государственная политика. Первый фактор относится к характеристикам и поведению условно-досрочно освобожденных; факторы семьи и сообщества включают поддержку и участие семей условно-досрочно освобожденных и местного сообщества в процессе реабилитации. Частные институты, такие как «Промежуточный дом» и «Корпоративная умная стажировка» (CSI), предоставляют поддержку и ресурсы для условно-досрочно освобожденных, а эффективная государственная политика и практика помогут успешной реинтеграции освобожденных в общество. Дальнейшие исследования могут быть посвящены изучению конкретных механизмов влияния данных факторов на деятельность по УДО в Малайзии и выявлению лучших практик для снижения уровня рецидивизма.

**Научная новизна:** работа восполняет пробелы в научной литературе по проблеме деятельности по УДО в Малайзии, определяя ключевые факторы, влияющие на успешность системы УДО в деле снижения уровня рецидивизма. Работа содержит ценные выводы в области проблем и возможностей, с которыми сталкиваются условно-досрочно освобожденные в Малайзии.

**Практическая значимость:** результаты исследования могут быть использованы в деятельности Департамента тюрем Малайзии в целях выработки эффективных стратегий и мер снижения уровня рецидивизма и повышения



эффективности системы УДО. Работа также может быть полезной для других стран со схожей системой условно-досрочного освобождения при выявлении ключевых факторов, влияющих на успешность программ УДО.

**Ключевые слова:** уголовно-правовые науки, условно-досрочное освобождение, рецидивизм, экономика тюрем, управление в коррекционной деятельности, коррекционное образование

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### 1.0. Introduction

After the COVID-19 pandemic and the uncertain world economic situation, it is certain that the crime rate will increase as the research done by Patrick & Frédéric [1] on macroeconomic variables for developing countries found that there is a significant effect between the increase in the crime rate and economic instability. Not only is the crime rate alarming but the rate of recidivism is also increasing as reported by the Malaysian Prisons Department. Realizing that the rate of recidivism increases every year, the Malaysian Prisons Department has implemented Prison Reform, and one way to reduce the rate of recidivism is by implementing a parole system since 2008.

The parole system allows offenders serving prison sentences a second chance by granting them early release. According to Schmallegger [2], the parole system allows offenders serving prison sentences a second chance by granting them early release under supervision if they behave well throughout their incarceration and fulfil certain conditions for release. Such supervision and conditions have been used for a long time to ensure that prisoners are prepared for release and able to reintegrate into society.

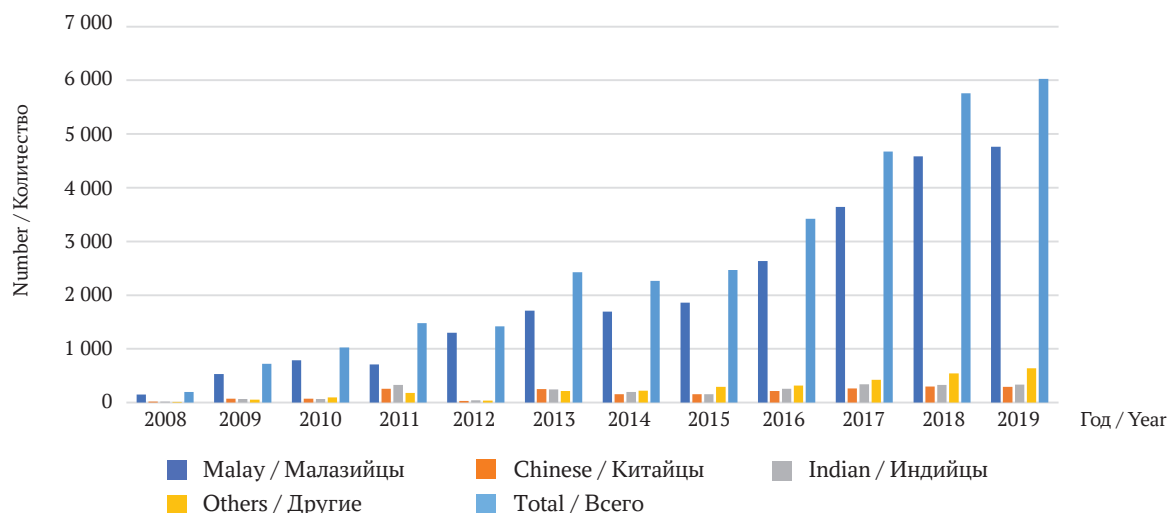
Morris et al. [3] added that this sentence is a common procedure practiced in the United Kingdom where a prisoner is released into society without mandatory supervision after they have served this sentence. These prisoners are released if they show good behavior and do not break prison rules. While the study by Snarr & Wolford [4] stated that parole involves releasing offenders from prison after a period and requiring them to serve their sentence in the community under the supervision of a parole officer. This is intended to promote public safety while providing offenders with an opportunity to reintegrate into society through research-based rehabilitation programs.

In Malaysia, parole activities are under the Malaysian Prisons Department and according to this Department, parole is a conditional release for a prisoner to serve any part of their prison sentence outside prison under the Parole Order. Parole is also subject to Malaysian Law Act 537, the Prison Act 1995 which contains all amendments up to 1 October 2009. Therefore, all parole sentences must refer to Act 537. What is worrying is that the number of prisoners in our country increases every year and in 2020, the number of prisoners is as much as 67,000 which exceeds the capacity of the Malaysian Prisons Department which is 58,830 people [5].

Figures 1 and 2 respectively show the statistics of the release of offenders on parole according to race and the period the parole is implemented. From Figure 1 above it is clear that the number of released offenders was increasing every year from 2008 to 2019. Figure 1 also shows that the number of Malay offenders is the most compared to other races. Figure 2 also explains that most offenders go through parole within a period of one to three months.

Clearly, parole is one of the punishments for prisoners after serving a prison sentence. This sentence is carried out in the community or society under the supervision of a parole officer. The objective is to give prisoners a second chance by providing rehabilitation support and continuing life after going through the process of reintegration into society. There are three places where the integration process is carried out: either in the offender's own home, an intermediary home, or under the Corporate Smart Internship (CSI) program in collaboration with private partners, especially the Government Link Company (GLC).

The parole system plays a vital role in reintegrating offenders into society and giving them a second chance, so we must examine the critical factors that contribute to the success of the reintegration process. Therefore, the main

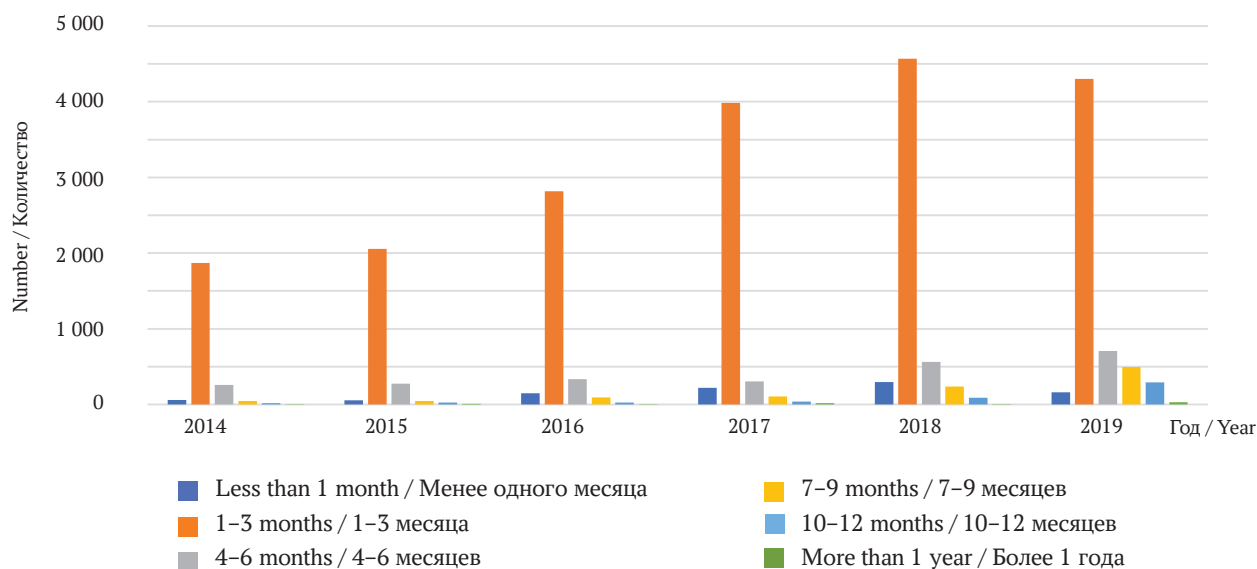


**Fig. 1. Number of Parolees by Race**

Source: Malaysian Prisons Department, 2008–2019.

**Рис. 1. Количество условно-досрочно освобожденных по расовой принадлежности**

Источник: Malaysian Prisons Department, 2008–2019.



**Fig. 2. Parolee (ODP) by Duration of Parole Order**

Source: Malaysian Prisons Department, 2014–2019.

**Рис. 2. Количество условно-досрочно освобожденных по сроку УДО**

Источник: Malaysian Prisons Department, 2014–2019.



objective of this study is to examine the critical factors that are the main challenges and opportunities of the parole system implemented in our country. In addition, we will study how critical factors that are important determinants, namely the offender themselves, family acceptance, community support, and private institutions, reduce the rate of recidivism in our country.

## **2.0. Literature Review**

Prison institutions in the world prefer to use methods of educating and guiding in both formal academic and vocational aspects in addition to using prudence and psychological methods for prisoners. According to the study of Zaiton & Rafizah [6], the parole system is a system that uses educational methods where eligible prisoners will be given early freedom through parole activities.

Zhang et al. [7] found that the PPCP (Parole Crime Prevention Program) resulted in moderate reductions in re-incarceration and parole releases. This has created the potential for large long-term cost savings for California, USA, taxpayers. According to Ostermann [8], when active supervision time was not considered, paroled prisoners had a lower predicted recidivism rate than unconditionally released prisoners. The study, which involved 29,299 samples and was conducted over three years from 2005–2009, found that the recidivism rate for paroled prisoners was 8 % lower than that of unconditionally released prisoners.

Kuziemko [9] found that if prison time reduces the risk of recidivism and if parole boards can accurately estimate a prisoner's risk of recidivism, then relative to a regular sentencing regime, parole can provide allocative efficiency benefits (expensive prison space allocated to high-risk offenders) and incentive benefits (prisoners know that they must reduce their risk of recidivism in order to obtain early release, so invest in their own rehabilitation).

Parole activities provide a second chance in terms of income and the involvement of families, communities and private companies involved. According to Mohd Huzaini & Syamsulang [10] study, placements such as offenders' private residences, intermediate houses, and corporate smart internships (CSI) that are regulated by prison officials can provide a second chance for offenders to work at a minimum wage rate, especially the involvement of parole offenders in critical sectors that require physical labor such as agriculture and mining.

Although the parole system is able to benefit the offender and the prison institution, there are challenges that are accepted by the paroled offender, namely the willingness of the individual to repent and start a new life and also the acceptance of society. This can be a push factor and a pull factor for paroled offenders to get caught up in committing crimes again. This has been proven through the study of Jodi et al. [11] who found that parole offenders are seen to be stuck committing crimes again when the individual lacks resilience in the pressures of life and the negative views of the surrounding community.

Studies consistently demonstrate that individuals who maintain strong social ties with their families are less likely to reoffend after being released from incarceration. For example, Berg & Huebner [12] found that reentry offenders who maintain social ties with their families have lower rates of recidivism. Ryan & Yang [13] conducted a longitudinal study that similarly found family relationships to be important for successfully completing program goals and reducing criminal behavior. Overall, it appears that maintaining social connections with family members is an effective way to reduce the likelihood of reoffending.

In addition to the role of the family, there are several past studies that examine the role of employment opportunities in reducing recidivism for parolees. Tripodi et al. [14] found that employment was associated with increased time to re-incarceration for parolees in Texas, USA. The study is in line with a study by Norwegian researchers Skardhamar & Telle [15], who found that the danger of recidivism is much lower when ex-prisoners work. The study showed that several factors, namely, employment opportunities, educational registration and parolees' participation in labor market programs against 7,476 offenders, were significant in reducing recidivism rates in Norway.

Ramakers et al. [16] found that not just any job, but especially stable jobs and jobs with a higher level of employment can help reduce crime rates among ex-prisoners. Chamberlain et al. [17] found that more job opportunities and higher-paying jobs closer to parolees' homes increase recidivism, but this may be due to increased competition for low-skilled jobs in these nearby areas. Overall, several research papers above suggest that employment opportunities can reduce recidivism for parolees.





Jacobs & Gottlieb [18] found that housing insecurity where there is no family acceptance is a determining factor in increasing the risk of recidivism. Using a data set of 2,453 people in San Francisco, this study found that housing insecurity is common and associated with an increased risk of recidivism among probationers, above and beyond a variety of other risk factors for recidivism.

Robson et al. [19] conducted a study of parolees in New Zealand on 282 male offenders which found that parolees who were forced to move were more likely to rehabilitate than those who were not forced to move. The study was challenged by the study of Breetzke & Polaschek [20], who found that mobility due to residence had no relationship with the recidivism rate of parolees.

Through the literature review, we found that stigma has a negative effect on the psychological well-being of exonerated people. Markowitz [21] found that stigma has a negative impact on the psychological well-being and life satisfaction of people with mental illness. Moore et al. [22] found that perceived stigma predicted worse community adjustment through anticipated stigma, and this differed by race. A study by Baffour et al. [23] found that ex-convicts who were re-imprisoned experienced stigmatization that had a negative impact on their mental well-being. Based on several quantitative studies and qualitative analysis above, it was suggested that societal stigma affects the psychological well-being of parolees.

Overall, the study of the parole system showed that it reduces the rate of recidivism, may reduce costs for prison institutions and further benefit the economy [7, 9, 10, 8]. Most importantly, the literature review above found some critical factors that need to be considered in examining the parole system in reducing recidivism rates in our country. These include individual factors of the offender, external factors such as family acceptance and mobility and access to homes, job opportunities, and community roles where stigma can reduce the well-being of released people in Malaysia [21, 10–15, 19, 23].

### 3.0. Methodology

This study uses primary data designed using a face-to-face interview method. The population of this study is prison officers in the state of Pahang, Malaysia. A total of five prison officers from the Parole and Community Services Division, Pahang state have been respondents for this study. The research instrument is in the form of semi-structured questions that include demographic questions, questions about parole activities in our country such as the process and activities of parole that are carried out, the determinants of parole activities in reducing the recidivism rate in our country and it is through questions directly or indirectly to ensure that prison officers can provide consistent and reliable information as suggested by Cohen & Crabtree [24] and Maxwell [25].

Data analysis uses a manual method where the researcher records all conversations with permission and transcribes the results of interviews with respondents. The process of data analysis is through the collection of information using the inductive method, which is the process of finding accurate and specific information through the content analysis method. Finfgeld-Connett [26] found that content analysis is a flexible data analysis method that can be used to conduct qualitative systematic reviews, and Nair [27] found that content analysis can be usefully applied in social work research. Elo et al. [28] found that it is important to scrutinize the trustworthiness of every phase of the analysis process, including the preparation, organization, and reporting of results. Together, these papers suggest that content analysis is a useful method for qualitative research, although it is important to consider trustworthiness when using this method.

This study will impact the lives of many people involved in the justice system, either directly or indirectly, by increasing their awareness and improving decision-making. The findings will aid governments and social activists when they are considering options to implement policies that aim to reform and rehabilitate inmates prior to their parole date. This study will help shape these options and improve efficiency in our current system for rehabilitation.

## 4.0. Results and Discussion

### 4.1. Demography

Based on Table below, the respondents of the study are prison officers at PPD Kuantan and the Pahang State Prison Director's Office. All respondents are between the ages of 33 and 47 years with more than 5 years of service experience and there are two officers with more than 20 years of experience in assisting offenders during parole activities.



#### Respondents' Data on Age, Gender, and Duration of Service

##### Характеристики условно-досрочно освобожденных: возраст, пол и срок заключения

Respondent / Респондент	Age / Возраст	Gender / Пол	Duration of service / Срок заключения
1	33	Male	7
2	44	Male	26
3	38	Male	16
4	36	Male	17
5	47	Male	24

#### 4.2. Challenges and Opportunities for Parolees in Malaysia

Recidivism is a repeated criminal behaviour and it occurs due to two main factors, namely, the offender as an individual and external factors such as family and community acceptance, which is supported by the study of Jasni et al. [29]. Therefore, the results of this study will be presented by looking at the opportunities and challenges of paroled offenders through the perspective of prison officers who have been interviewed and statistics from the Malaysian Prisons Department.

##### 4.2.1. Individuals in terms of income opportunities, self-development, and religious knowledge

The parole system is one of the good solutions for the Malaysian Prisons Department in reducing overcrowding in prisons. The parole system that educates the spiritual and mental qualities and provides employment opportunities can give offenders a chance of not being involved in crime again. Various studies have also found that parole benefits offenders either from the viewpoint of self-development [30], religion, personality [31] and income opportunities [32]. Therefore, the parole program has provided employment opportunities and reduced recidivism and has been supported through the findings of this study where it is stated:

"...It is more about the prisoner working because it is a rehabilitation process than we are more about rehabilitating him. Working is a recovery so that when he is finished, if the employer sees it as good, the employer will offer to work, but there are many who are offered to work..."

(Respondent 1)

"...When we create a parole system, many employers will take jobs even when they leave, employers will take them and offer them as permanent employees..."

(Respondent 2)

"...We see that Corporate Smart Internship (CSI) and Intermediate House (IH) are more effective. It's just the attitude of this individual (ODP) on him to change..."

(Respondent 4)

"...With parole, they get support from several institutions and get new enthusiasm to help get a job after parole..."

(Respondent 5)

Based on the quotes provided by the respondents, it seems that there is a belief that work can be an important part of the parolee's rehabilitation process. In addition, there are suggestions that creating a parole system that encourages employers to offer jobs to released prisoners could be effective in reducing recidivism.

Therefore, policy recommendations can be implemented by establishing a system that incentivizes employers to hire released parolees. This may include tax breaks, subsidies or other financial incentives to encourage employers to take the opportunity to hire individuals with criminal records. Additionally, the use of the Corporate Smart Internship (CSI) and Intermediate House (IH) programs can be expanded to provide inmates with training and work experience that can help them find employment after release.



It is also important to address any complacency or negative attitudes that may hinder an inmate's ability to successfully reintegrate into society. This can involve providing counselling and support services to help inmates develop the skills and mindset needed to succeed in the workforce.

#### 4.2.2. Family Fear Versus Faithfulness

The role of family members is very important in helping the offender to lead a normal life. The fear of family members to accept the offender after committing a crime increases the rate of recidivism as found in Maruna's study [33]. Most parolees have committed minor crimes and show good behavior and are monitored by parole officers. This release should gain faith and good acceptance from family members as the study Brunton-Smith & D. McCarthy [34]; Butorac et al. [35] and Maruna [33] found a significant relationship between family acceptance and repeat crime by offenders. The results of the study found that acceptance of family members was important even though there were doubts at the beginning:

"...At first the family didn't want to accept it, but when they change and show they want to change, the family will accept it again..."  
(Respondent 1)

"...Sometimes the family doesn't want to accept it, but when we tell them what the concept of parole is, they (family members) accept it..."

(Respondent 3)

"...We don't want this family relationship so it's not good we want them to be closer..."

(Respondent 5)

The respondents seem to suggest that family acceptance plays a significant role in the success of a parolee's parole program. While there may be initial resistance from family members, if the parolee demonstrates a genuine desire to change and improve their situation, families are more likely to accept and support them. Additionally, it is important to educate families about the concept of parole and its potential benefits.

However, respondent 5 suggests that there may be cases where family relationships are not healthy or supportive, and in those instances, it may not be in the parolee's best interest to prioritize family acceptance.

Based on these insights, a policy recommendation could be to provide counselling or therapy and support services to both parolees and their families or caretakers to help them navigate the challenges of the parole process. This could involve educating families about the benefits of the parole system and providing them with resources to help them understand and support their loved ones.

#### 4.2.3. Society: Stigma or Support?

Social stigma is unavoidable and is one of the challenges for parolees. As members of the community, if we cannot help financially, we should not express a cynical view let alone pronounce negative words. Support should be given especially to community leaders. A study by Kenemore & In [36] and Cook et al. [37] showed the importance of the relationship between the community of offenders to return to the community and the existence of a significant impact of offenders who work and serve the surrounding community. The findings of the study showed the existence of community leaders playing an important role in parole activities.

"...Before we are released we will contact the village chief to be like our eyes. When the situation is like that, we and the community have cooperation..."

(Respondent 3)

"...There's a place that's really good because these neighbours maintain friendly relations with people on parole by giving advice..."

(Respondent 4)

"...Community acceptance is very good, in fact the government's policy and implementation in the Prison Department is very good. The reason for improving human morals and character. A good thing for the parolee and the whole community..."

(Respondent 5)





The respondents suggest that community acceptance and support can be key factors in the success of a parolee's parole program. They mention the importance of building relationships with local leaders, such as village chiefs and maintaining friendly relations with neighbours who can provide advice and support.

Based on these insights, a policy recommendation could be to implement programs that encourage and support community involvement in the parole process. This could include outreach programs that educate communities about the benefits of the parole system and how they can support and encourage the successful reintegration of prisoners into society.

Additionally, efforts could be made to build strong relationships between prisoners and local leaders, such as village chiefs, who can provide guidance and support during the parole process. This could involve training and education programs for both prisoners and local leaders to help them understand and support each other's needs.

#### 4.2.4. Private Institution: Win-win situation

The participation of private companies in the parole system creates a win-win situation where parolees get job opportunities and firms can reduce their dependence on foreign workers [10]. Although the participation of private companies is limited in the agriculture and manufacturing sectors in the parole system in our country, there are studies that find there is a significant relationship between employment and crime. Uggen [38] has found job opportunities and job quality can reduce recidivism. The results of the study show that there is a dependency between a parolee and a firm in terms of employment.

"...As an employer, he sees this as something good to help. As a community member and employer, he helps the skilled prisoners sent to the workshop. Employers will hone their skills and give them work..."

(Respondent 1)

"...They (employers involved) see the positive side because now they need workers because of the COVID-19 pandemic and one of the problems is that the government does not encourage hiring foreigners so now they are racing to hire people under parole..."

(Respondent 2)

The respondents suggest that employers can play a key role in supporting the successful reintegration of parolees into society by offering employment opportunities and training. They note that employers may be motivated to hire parolees due to labor shortages caused by the COVID-19 pandemic and the government policies discouraging hiring foreign workers.

Based on these insights, a policy recommendation could be to create incentives for employers to hire and train parolees as part of the parole program. This could include tax breaks or subsidies for employers who hire and train parolees, as well as partnerships between parolees and businesses to facilitate the transition from incarceration to employment. By encouraging employers to hire parolees and providing support for their training and success in the workforce, policymakers could promote the successful reintegration of parolees into society and reduce recidivism rates.

### 5.0. Conclusion

In conclusion, Malaysia's implementation of parole activities has proven to be effective in reducing the recidivism rate. The study identified five factors that play a crucial role in determining the opportunities and challenges to reduce recidivism rates in the country. These factors include individual factors such as the offender themselves, family acceptance, community support, and cooperation with private companies under CSI programme.

Offenders who undergo self-development and religious activities during their prison and parole period, as well as those who receive support from their families and communities, are less likely to engage in criminal activities upon their release. Furthermore, the participation of private companies in providing job opportunities for ex-offenders can also contribute to reducing the recidivism rate.

To further reduce recidivism rates in Malaysia, the Malaysian Prisons Department needs to implement prison reforms by integrating the parole districts in the country and adding more parole officers to address the shortage.



This strategic step will not only reduce prison costs and overcrowding, but it will also enable the parole officers to provide adequate support and guidance to the offenders released under the parole system.

In summary, reducing recidivism rates in Malaysia requires a collaborative effort between the government, private companies, families, and communities. By implementing effective parole activities, providing necessary support to ex-offenders, and strengthening the prison system through necessary reforms, the country can achieve its goal of reducing recidivism rates and creating a safer community.

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Mohd Huzaini: Contributed to the methodologies (design and data collection) and transcribed the raw data.

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