

## Right to Education of Children in Detention Institutions in Malaysia

### *Hak Pendidikan Kanak-kanak di Institusi Tahanan di Malaysia*

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#### ABSTRACT

*Academic education for children in detention institutions is a component of rehabilitation programs designed to encourage and shape positive behaviour. The objective of this study is to identify how far children in detention are given access to education as their basic human right. This research began by distributing questionnaires to 479 respondents and in-depth interviews with 72 children in six zones: north, middle, south, east, Sabah, and Sarawak. The researchers also conducted interviews in two separate focus group discussions, where each group comprised 4 to 6 officers who are experts in handling children in detention. The quantitative data research findings showed that the overall mean value for detained children's level of access to the right to academic education in their respective detention institutions was medium (Mean: 3.64, SP: 0.68). Based on 16 items that measure the right to academic education, the mean for each item scored between 2.77 to 4.20, demonstrating that the respondents gave medium to high scores regarding the right to academic education for children in detention institutions in Malaysia. The findings of the interviews revealed three sub-themes from an educational aspect, which are: (i) challenges in teachers' services, (ii) limited access to an academic program, and (iii) lack of learning facilities. Hence, this study can serve as a guideline to the Government and international agencies to collaborate in a joint effort to increase the quality of education service to children in detention centres.*

*Keywords: Right to education; children's rights; detention centre; school in prison; academic program; vocational*

#### ABSTRAK

*Pendidikan akademik bagi kanak-kanak dalam institusi tahanan merupakan salah satu program pemulihan untuk membentuk tingkah laku yang positif dan pematuhan kepada undang-undang dalam kalangan mereka. Dasar yang diambil oleh pihak Jabatan Penjara Malaysia dan Jabatan Kebajikan Masyarakat ini juga membantu kanak-kanak dalam tahanan berpeluang untuk melanjutkan pelajaran yang mungkin mereka telah tercicir sehingga mereka mencecah usia 21 tahun di pusat tahanan terbabit. Namun, persoalannya setakat manakah hak pendidikan diberikan kepada kanak-kanak dalam tahanan di Malaysia. Oleh itu, objektif kajian ini adalah untuk mengenalpasti sejauhmanakah kanak-kanak dalam tahanan diberikan akses kepada hak pendidikan. Kajian ini telah dilaksanakan dengan memberikan borang soal selidik dengan 479 orang responden dan menemubual secara mendalam dengan seramai 72 orang kanak-kanak di enam zon utara, tengah, selatan, timur, Sabah dan Sarawak. Hasil kajian data kuantitatif menunjukkan nilai min keseluruhan tahap akses kanak-kanak dalam institusi tahanan terhadap hak pendidikan akademik berada pada tahap sederhana (Min: 3.64, SP: 0.68). Berdasarkan 16 item yang mengukur hak pendidikan akademik, didapati min bagi setiap item berada pada skor 2.77 hingga 4.20 menunjukkan bahawa responden memberikan skor yang sederhana dan tinggi berkenaan hak pendidikan akademik kepada kanak-kanak dalam institusi tahanan di Malaysia. Manakala hasil data temubual pula telah mengemukakan tiga subtema aspek pendidikan iaitu (i) pendidikan akademik dan penyediaan guru, (ii) pendidikan vokasional dan (iii) kemudahan prasarana. Oleh itu, program pemulihan untuk kanak-kanak dalam tahanan adalah pendidikan melalui sistem persekolahan untuk membentuk akhlak pesalah atau penghuni penjara melalui sistem pemulihan yang efektif dan efisien.*

*Kata kunci: Hak pendidikan; kanak-kanak; tahanan; sekolah dalam penjara; akademik*

## INTRODUCTION

Previous studies on the right to education of children in detention discussed several aspects such as access to academic education, vocational education, teacher's preparedness, and learning facilities (Ewing, 2021; Bignotti, 2023; Darussalam, 2013; Jamaluddin, 2011; Barton 1999; Bramley 1996; Brower, 2013; Bartollas and Schmallegger, 2014). The concept of '*Education for All*' as promoted by UNESCO (United Nation Educational, Scientific and Cultural Organization, 2010) guarantees that all children, regardless of background, including children carrying out detention orders in detention centres, have the right to enjoy the rights to education.

Hence, education through the school system in detention institutions is an important element for a country to develop a successful community from economic, political, and social aspects. The role of the school system is not only to educate society but to act as a channel to disseminate the importance of moral values within society (Wolhuter et al. 2020; Darussalam, 2013; Jamaluddin, 2010). Education shapes the individual in producing exemplary values and good behaviour in line with the 'Personality Strengthening Phase' objective as part of the inmate rehabilitation process at the Malaysian Prison Department, which develops good morals (Malaysian Prison Department 2013).

There have been several researchers who have focused on studies relating to program resources and the implementation of rehabilitation activities through education (Nagamuthu 2019; Flores & Barahona-Lopez 2020; Hollin, Epps & Barton 1999; Bramley 1996; Brower 2013; Bartollas and Schmallegger 2014). Therefore, based on previous research, the successful rehabilitation of the children depended on the approach used and elements of the program's implementation, such as the availability of facilities, the expertise and attitude of the teachers, the pedagogy, and administrative support and program evaluation. These elements act as drivers for rehabilitation programs to ensure that every activity positively impacts. Rehabilitation through education can help reform individuals who have issues with negative behaviour (Morse 2019; Hezzrin et al. 2016). This education needs

to be shaped through the school system to help improve rehabilitation services for child offenders (Darussalam Budin 2014; Ministry of Education Malaysia 2012). Rehabilitation through education can help reform these child offenders in terms of behaviour, equip them with life skills, and build their self-confidence to integrate with society after completing their detention order (Hassan & Rosly 2021; Vandala 2019; Visher & Eason 2021; Jewkes & Gooch 2019).

Several institutions were identified to provide educational services to children in the Malaysian context, namely, Sekolah Tunas Bakti under the Malaysian Department of Social Welfare, the Henry Gurney School, and the Integrity School under the Malaysian Prison Department. All these schools offer two educational programs: academic and vocational education. Five academic education programs have, which are as follows: 3M Class (reading, counting, writing), Pre-PMR Class (Lower Secondary Assessment) PMR Class, Pre-SPM Class (Sijil Pelajaran Malaysia), and SPM Class (Malaysian Prison Department 2009). However, not all students can receive academic education due to limited space and quota.

Darussalam (2013) identified this issue, which explained how mixed levels of education cause limited access to academic education in detention centres due to children of different ages and levels of education being received and accepted all year round. For example, on 2 September 2013, as many as 2831 children were placed in prison institutions. Of that number, 521 children had primary education, 1255 had received education up to secondary Form Three, 1002 had received education up to Form Five, and 53 had received higher education. Out of the 1255 children who were educated up to Form Three, 115 were under 17 years old, 315 were aged between 17-18 years old, and 825 were aged between 19-21 years old (Malaysian Prison Department 2013).

In light of the above, this article aims to analyse the level of access to academic education among children in detention institutions, as well as discuss the factors that need to be highlighted to improve the existing education system in detention institutions. This will also contribute significantly to the relevant parties in strengthening and enhancing the education system in detention institutions for child offenders.

## THE RIGHT TO EDUCATION OF CHILDREN IN DETENTION INSTITUTIONS

Studies relating to implementing educational programs for children in detention institutions have shown restrictions and limitations to providing formal education to children in detention (Gagnon 2022). Among them is the lack of teachers in detention institutions and the provision of the physical infrastructure to facilitate teaching and learning (Larkin & Hannon 2020). Previous studies have discussed the difficulty faced by prison officials to find qualified teachers and manage their resources and facilities throughout the learning and teaching process in the classroom (Addae 2020; Rangel Torrijo & De Maeyer, 2019; Hughes, 2005; Taylor, 2014). Furthermore, there are times when the study coincides with prison activities, with students being entered into and leaving school every month (Helen, 2015; Kirby, 2007). In addition, the learning and teaching process is disrupted because most new students have long left school, have various problems, and lack knowledge of academic education. The focus on teaching and learning is also disrupted when children who are still remanded are often absent due to attending trial sessions in court. Each time they attend a court session, they have to go through an isolation process for a certain period before being allowed to attend a school session (Darussalam 2013; Helen 2015).

Several previous studies have also explained that educational facility factors influence the implementation of teaching and learning processes (Hawley and Rollie 2007; Leithwood 2007; Maxwell 2016). Physical facilities of learning, preparation and management of program resources are vital to the success of an educational program (Leithwood 2007). In addition, the program requires resources financial, human, and physical facilities to ensure the effectiveness of a successful implementation of a program (Maxwell 2016). Among the physical facilities needed are the design of suitable school buildings, furniture such as chairs and desks, school canteens, classrooms or places of learning, reference materials, teaching aids, and water and electricity supplies. These resources need evaluation to see the extent to which the efficiency and suitability of these resources to achieve the educational program's objectives to ensure a conducive environment for child offenders to undergo rehabilitation and learning in rehabilitation centres (Azizi & Yow 2004).

Teachers are the most important asset for the successful implementation of education programs effectively. Hezzrin et al. (2016) explained that teachers need to ensure that students can learn and understand the subjects taught. Teaching must be under the abilities and capabilities of students (Tambi, 2009). Noor Hafizah and Fakrul Adabi (2011) found that 44.8 percent of respondents agreed that the teaching modules used were appropriately suited to their ability in rehabilitation centres. Moreover, past studies by García-Largo (2020); Fijwala, Palasinski, and Shortland (2014) & Katsiyannis et al. (2008) showed that child offenders admitted to rehabilitation centres are usually children with learning disabilities, unsatisfactory academic performance, and school dropouts. The appropriateness of the child offenders learning and rehabilitation in the detention centres must be suited to their background and abilities (Skues 2022). If the teaching is not suitable for their abilities, this can cause them to feel that learning is difficult, unpleasant, dull, and less keen on being in the rehabilitation centres. These problems can therefore cause a rehabilitation program to be ineffective.

In addition, previous studies have mentioned the limitations of the curriculum provided by prison authorities (Tønseth & Bergsland 2019). Children in detention institutions have minimal choices in learning (Poole 2007). A survey conducted by Poole (2015), which discusses the function of education in prisons from a social perspective, found that most syllabi are limited to essential learning only because, on average, children in detention centers do not have basic skills like reading, writing, and counting. However, the emphasis is only on basic skills, which means restricting the opportunity for children who are already advanced in learning to get a better education to be eligible to continue their studies and have better job opportunities. Based on previous studies, there is no evidence that basic skills, the main focus of prison education, can lead to better job prospects (Taylor 2014).

The discussion of previous studies as above proves that there are still constraints and problems in implementing the best education for children in detention institutions. Therefore, this article aims to explore the issue of access to the educational rights of detained children implemented in detention institutions in Malaysia.

METHODS

RESEARCH DESIGN

Quantitative data is used as the main basis of the study to get an overview of the educational rights of children in detention centers. In contrast, qualitative data is used as additional data to obtain further clarification, thus strengthening the results of quantitative research findings. The importance of both qualitative and quantitative data in this study is to diversify the design of the study, which aims to enable the researchers to collect detailed data for a scenario (Corbin & Strauss 2008; Merriam 2009). Combining this qualitative and quantitative approach gives the researchers the advantage of understanding the research questions to produce more profound and comprehensive findings (Creswell 2015).

The quantitative method was chosen by distributing questionnaire instruments to 497 respondents in Malaysian six zones: north, east coast, central, south, Sabah, and Sarawak. The study involved 18 detention institutions from six zones, which include the Integrity School (SI), Tunas Bakti School (STB), Henry Gurney School (SHG). The questionnaire contains two main parts; the first is part A, or the demographic of the respondents, which consists of personal background information, family background, and health records. The other is part B, which consists of several components of children’s rights in detention institutions, including the right to academic education.

Next, the qualitative method was utilized through a semi-structured in-depth interview with selected 72 study participants after answering the questionnaire. In addition, the researcher also conducted the focus group discussions (FGD). The researcher selected a group of participants who have specific characteristics to hold a discussion session through this method. An appointed facilitator

determined the direction of the discussion. This method also provided an opportunity for participants to share their experiences and views related to the educational rights of children in detention. Therefore, this study interviewed two groups consisting of 4 to 6 members with the help of facilitators.

DATA ANALYSIS

Study data obtained from questionnaires were analysed using Statistical Package for Social Science (SPSS) Software. The data analysis methods used are descriptive statistical methods (mean and standard deviation) and inference statistics (Pearson correlation). Descriptive statistics, i.e., mean scores, were used to describe the level of educational rights of child detainees. Meanwhile, regarding the qualitative data in the context of this study, the interviews were transcribed verbatim using Microsoft Word software. The researchers used NVivo 12 software in managing the entire data obtained through interviews. NVivo 12 software aims to manage qualitative data concisely because NVivo 12 software can compile themes from all data obtained by researchers. To ensure that the resulting themes were accurate, the researchers repeated the reading process to give meaning to the sentences in verbatim.

RESULTS

CHALLENGES IN TEACHERS’ SERVICES

Table 1 shows that the overall mean value of the level of academic education rights among child detainees is at a high score (Mean: 3.64, SP: 0.68). Based on 16 items measuring academic education rights, the mean for each item is at a score of 2.77 to 4.20, showing that respondents gave a score of providing moderate and high academic education rights to children in detention institutions in Malaysia.

TABLE 1. Teachers' Services

Item	Mean	SP
I was given counselling.	4.20	1.01
The teacher helps me understand the lesson.	4.18	1.06
My teacher has not missed more than three classes in a month.	3.43	1.38
There is a substitute teacher if my teacher is absent.	3.07	1.45
Overall Mean	3.64	0.68

(Level: Low = 1.00 – 2.33, Medium = 2.34 – 3.66, High = 3.67 – 5.00)

The order of the items in the table is based on the highest mean to the lowest. In this aspect, the respondent's item was being given counselling, which recorded the highest mean value (Mean: 4.20, SP: 1.01), followed by the item the teacher helped the respondent understand the lesson in the classroom (Mean: 4.18, SP: 1.06). These findings are supported by the results of interviews that state that teachers help students a lot in understanding each lesson in the classroom without showing elements of bias and discrimination in the classroom:

The teachers teach well, they give easy tips, simple, teacher's help a lot, and give us attention. I think they help us enough; the teachers don't have favourites; the teachers are nice.  
(PKK60/Southern Zone)

The teachers here are okay. We do theory one week, then one week practical. Every week. Sometimes the teacher gives us exercises so we don't forget.  
(PKK19/Southern Zone)

During the History class, we did a quiz to flashback what we learned. Because we had an exam in March. For us here, every three months there's an exam to see how much we understand.  
(PKK51/Northern Zone)

At school we learn Malay language, Moral, Maths, English. There was a trial exam, but I didn't pass, so I wasn't encouraged to take the exam.  
(PKK59/Southern Zone)

However, the research findings showed that several participants had issues concerning the lack of teachers at the detention centres. For example, one teacher is responsible for all subjects, and sometimes there is no substitute teacher if the class teacher is unable to teach during the school time.

I think we need more because there aren't enough teachers because of more students. If there are more teachers, they can replace the missed classes.  
(PKK10/Sarawak Zone)

Same [one] teacher for six subjects.  
(PKK18/Northern Zone)

In light of the above findings were supported by interviews with the officers at the detention centres:

Most of them study in institutions because we have substitute teachers who teach. Cadre teachers are no longer available, I think. Our post at institutions or STB, DG32; in other words, the Ministry of Education doesn't have DG32 anymore. The minimum is DG41. So schools or these JKM institutions can't come in because the post is 32. So appointed teachers today can't go there. Because they're all 41.

(Officer 7: FGD)

Compared to Henry Gurney School or prison. I've been to the prison at S\*\*\*\*. The teachers are in grade 52. The Director is 48, but the teachers are 52. It's possible; the Ministry Department makes an application every time to add or upgrade the DG we have, but with current JKM policies.

(Officer 3: FGD)

#### LIMITED ACCESS TO ACADEMIC EDUCATION

In this regard, based on the analysis of the interview, out of 72 participants, a total of 39 people (54%) stated that they were receiving an academic education, which includes Form Three Assessment (PT3) and Sijil Pelajaran Malaysia (SPM). Before children can be eligible for academic programs, they need to undergo diagnostic tests.

After passing the diagnostic test, I chose the academic field to qualify for academics. The questions were related to the subjects such as Malay language and maths. For the Malay language, it was about composition and calculations for maths. My credit was just enough, or as people say, pass, because after you pass, you get offered the academic stream. Then later, there'll be other exams that can be elevated to the different phases.

(PKK14/Southern Zone)

However, some study participants stated that although they were interested in getting an academic education, places and quota are very limited due to the number of children in detention institutions exceeding the capacity and facilities provided by authorities such as the Prisons Department. At the same time, if a person wants to get an academic education, they need to undergo a diagnostic test that qualifies them to study at the PT3, and SPM levels appear to deny the right of individuals who do not pass the diagnostic test to obtain an academic education:

At this school, there are many people, over a thousand, but for academics, they only offer 200 people. Many want to go into academics, but they don't get to.

(PKK14/Southern Zone)

#### VOCATIONAL EDUCATION: AN ALTERNATIVE

Based on the analysis of the interviews with 72 participants, 38 people or 52.7% of the sample have received vocational education. Child offenders who do not get a place in the academic field are given the opportunity to engage in vocational programs such as welding, sewing, cooking, automotive, agriculture, sewing, haircuts, and brass bands. Education in these skills can increase their expertise and build children's self-confidence in detention.

I take 'Construction.' I do welding, lay mosaic, build houses, do the wiring.  
(PKK63 /Eastern Zone)

I take automotive innovation. Lorry engines. I open up the engine and show the parts and things. So, the teacher will ask what the thing is until I memorise them all. The workshop is over two years.  
(PKK19/Southern Zone)

After that, the second year I stayed here, I learned a lot here. I learned so much from not knowing how to bake bread, and I took SKM level 2 baking module. So, I didn't feel awkward after a while because I'd never done it outside. After a long time of practicing, I became a bit of a pro in making bread. I feel proud because we make something, you know, and after that, people get to eat it.  
(PKK68/Eastern Zone)

These vocational skills are one of the rehabilitation programs for children in detention to become productive individuals when they integrate into society. This vocational program was created to

provide exposure to basic skills training to children so that when they are free, they can be independent due to the training conducted while in detention institutions.

LACK OF LEARNING  
INFRASTRUCTURE FACILITIES

Table 2 shows the mean values for each item to measure the level of academic educational infrastructure facilities available to children in detention institutions. For example, respondents stated that they were provided with stationery in the classroom (Mean: 4.07, SP: 1.15). However, some aspects are still at a moderate level, such as respondents' internet access for learning facilities (Mean: 2.89, SP: 1.59). Respondents' use of library/reading room facilities is also still at an average score (Mean: 3.51, SP: 1.38), and the aspect of the right to sit for the national examination in detention (Mean: 3.62, SP: 1.46).

TABLE 2. Learning Infrastructure Facilities

Item	Mean	SP
I was given stationary while in class	4.07	1.15
My class is fully equipped with study materials.	3.98	1.13
I was provided with textbooks for all basic subjects.	3.67	1.36
I can use the library/resource centre/reading room.	3.51	1.38
I can borrow books from the library/resource centre/reading room	3.43	1.41
I can access educational information from a computer and the internet.	2.89	1.59
I can study in a lab and do experiments.	2.77	1.52
Overall Mean	3.64	0.68

(Level: Low = 1.00 – 2.33, Moderate = 2.34 – 3.66, High = 3.67 – 5.00)

Based on the analysis of 72 participants' interviews, the detention centres provide learning facilities at an unsatisfactory level, namely the provision of stationery (34.7%), reference books (52.7%), classroom equipment (20%), and libraries (30.5%). Although learning facilities are provided, there are not enough due to lack of reference books, classrooms, dilapidated buildings, and a large number of students exceeding the existing capacity:

Medium because for the Academic unit, the class they prepare is quite old. So, the chairs and tables are quite old. But here I think it's comfortable to learn and for teachers to teach. Okay, it's enough for me.  
(PKK10/Southern Zone)

They are there, but not enough.  
(PKK11/Southern Zone)

Sometimes books are useless. Because there aren't enough. Sometimes the teacher will photocopy, all the notes are summarised. After that, she lets us read.  
(PKK40/Middle Zone)

The library is an essential resource for students to study and make references after the training provided by the teachers and for PT3 and SPM examination preparation. Although the detention centres offer a library, most child offenders cannot access it because the library is rarely open or has limited access and books. These findings are in line with the quantitative data showing that the use of library/reading room facilities by respondents is still at an average score (Mean: 3.51, SP: 1.38) and is proven through the following interview excerpts:

There's a library. It's there, but it hasn't been open in a long time.

(PKK6/ Northern Zone)

There's a library, it's open every day, but you have to inform the warden if you want to go in, to check how many people want to come in.

(PKK8/ Northern Zone)

The interview findings are supported by the focus group interview findings that stated the importance of libraries to children in detention. The library can help individuals to learn how to read and get motivation from what they read:

In my field, besides school, it is the library itself. The library helps them a lot. For most people in detention, my participants are students who have been left behind at school. When we bring them into this research, put them in the library, learn what a library really is, know the function, and know their know-how, they can study a lot at the library. Because it's boring in prison, basic things are hard for teachers to teach even at school. And in the prison library, some books are inappropriate. These children are just about to learn, only now are learning the alphabet, so they will look for books to show letters of the alphabet, spelling, storybooks with pictures.

(Officer 1: FGD)

## DISCUSSIONS

The findings of the study have identified three main issues regarding the right to education of child offenders, which are: lack of teachers, limited access to academic education, and lack of educational facilities in detention institutions. In providing teacher services, the Government and the authorities should resolve this issue to provide educational rights to children. It is well known that this issue also occurs in many countries, as stated in various literature. For example, in a study by the study of Hezzrin et al. (2016), it was shown that limitations in terms of teacher services and lack of training among teachers would lead to failure of implementation of educational programs for rehabilitation. The Planning and Research Division of Research Policy (2002) also suggested that teachers for rehabilitation should always be given training from time to time to upskill to obtain new input to master the rehabilitation of students, especially students with problems. Teachers need to improve competencies in the teaching process for children in detention and rehabilitation institutions (Brower 2013; Castle & Martin 2006; Schaufeli & Peeters 2000).

In addition, the lack of educational facilities in detention institutions should also be given attention

by the Government and the authorities (Nagamuthu et al. 2019). There is no denying that this issue also occurs in other countries, as Taylor (2014) mentioned, who explained that most detention institutions lack educational resources such as lecture rooms, chairs, desks, and libraries. Lack of resources in prisons can interfere with the children's comfort to help them learn better and more effectively (Education of Prisoners Forum, 2004). The material used by teachers is crucial because it allows teachers to prepare notes to share with the children. In addition, children also need syllabus equipment, teacher guides, blackboards, world maps, and pictures.

The lack of educational resources is also supported by Darussalam (2013), which explains that the limitations of learning materials are especially significant, especially in school libraries, due to the lack of personal reference books. The Ministry of Education Malaysia supplies textbooks to prison school students as primary reference material. Although the Malaysian Prisons Department is trying to provide additional reference materials to students, the amount is not enough to meet the need for supplemental reading materials. In contrast to students in mainstream schools, supplemental reference materials will be provided by family members of students and can also be accessed online. Students in prison schools mostly come from low-income families. Therefore, additional reference materials in prison schools are limited, further complicating the preparation of lessons to prepare for the national exams.

## CONCLUSION

Education is vital for children to gain knowledge for their personal, intellectual, and psychological development in a positive direction towards good. This educational need is no exception for children who are in detention institutions. Academic education programs through the school system have the potential to shape morals, behaviours, and knowledge among children before they reintegrate to society as responsible and productive individuals. The implementation of academic programs by authorities such as the Malaysian Prison Department and the Department of Social Welfare to change the stigma or perception of the community that detention institutions are merely places of punishment. This study found that access to education for child offenders was unsatisfactory due to lack of teacher services, limited access to academic education,

and lack of educational facilities in detention institutions. Therefore, the Ministry of Education, the Prisons Department, and the Department of Social Welfare need to strengthen and improve detention institutions' education services for child offenders.

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