

SLOVAK ADOLESCENTS' VIEW OF THE PERSONS SERVING AN ALTERNATIVE SENTENCE

^aBEÁTA BALOGOVÁ, ^bMIRIAMA ŠARIŠSKÁ, ^cMARTIN HAMADEJ

*Institute of Educology and Social Work, Faculty of Arts,
University of Prešov, Ul. 17. novembra No. 1, 080 01 Prešov,
Slovakia*

Email:^a*beata.balogova@unipo.sk,*
^b*miriama.sarisska1@gmail.com,* ^c*martin.hamadej@gmail.com*

This paper is an outcome of the project Gapu 12/2019 Slovak adolescents' view of the persons serving an alternative sentence.

Abstract: OBJECTIVES. The authors examine the current state of adolescent university students' awareness of restorative justice in Slovakia, while focusing on the attitudes towards persons serving an alternative sentence (other than a custodial sentence). BACKGROUND. Presented research has background in theoretical concept of forensic social work which. Forensic social work generally focuses on the dimension of problem behavior, which in Slovak conditions falls within the competence of the Department of Social and Legal Protection of Children and Social Guardianship. Also this area of social work concentrates on the behavior of the social work clients in the context of delinquency to criminal activities. The present paper attempts to explicate the factors, including changeable and risky ones, affecting the attitudes of adolescent university students (from the fields of humanities and technical sciences) towards a shift from retributive to restorative justice by means of alternative non-custodial sentencing. METHODS. In present research, original questionnaire (consisting of 26 questions) was used in order to explore the students' attitudes to restorative justice and persons serving an alternative sentence. RESULTS. The findings of the study have revealed that social work students are more sensitive to restorative justice and alternative sentence. Furthermore, the present research has shown that attitudes can be changed through the level of knowledge and awareness.

Keywords: restorative justice, retributive justice, a victim, an offender, a sentence.

1 Introduction

The starting point for analyzing personal and social factors that affect the young generation's expectations and actual possibilities regarding their attitude and value formation is the theoretical reflection of students' attitudes to restorative justice and to persons serving an alternative sentence. The issue has been dealt with within forensic social work, which, as foreign and Slovak authors (Green, Thorpe, Traupmann, 2005; Barker and Branson, 2000; Balogová, 2016, 2017; Levická, 2017; Maschi and Killian, 2009, 2011; Munson, 2011; Roberts and Springer, 2007; Rome, 2011; Sinclair, 2002; Šarišská and Balogová, 2017, 2019) and the National Organization of Forensic Social Work argue, is a theoretical and practical framework addressing the issues of crime, justice, advocacy, etc. "Foreign historically built forensic practice in the social field focuses predominantly on the penitentiary issues (although the NOFSW states also other areas of interest) and on the client's problems related to it. At present, the areas and focuses of forensic social workers' activities are being defined and delineated, as this sphere of social work is being rebuilt and the interest in it is awakened" (Šarišská and Balogová, 2019, pp. 22-23; the authors' translation). Forensic social work has been primarily developed in Anglo-Saxon areas, while in Slovakia it is understood "as an area dealing with the entire spectrum of client behavior problems – from the first conduct disorders in social-legal protection and social guardianship, through the unacceptable behavior of juveniles referred to as misdemeanors and criminal offences, the impaired behavior of mentally disabled persons (as clients of clinical social work), to the behavior of persons facing a trial, sentenced persons and persons after serving their sentence, not forgetting the entire circle of people involved in the forensic social work client community" (Balogová, 2017, p. 82; the authors' translation).

2 Brief Literature Review

In the present context, we assume that restorative justice presents a significant humanist shift in the judiciary. Sotolář, Púry and Šámal (2000, p. 5; the authors' translation) argues that "the concept of restorative justice is a concept of treatment of offenders, different from the classical "retributive" sentence judiciary, based on the view that criminal justice is not an adequate response of society to the growth of crime, and does

not lead to the protection of individuals and society." This argument is also supported by Sotolář, Púry and Šámal (2000), who believe that the establishment of restorative justice is necessary because "traditional" criminal policy has already exhausted its possibilities and is unable to prevent crime growth or address the growing criminal justice problems, such as enormous burdens on courts, low efficiency of sentencing, and lack of protection for victims. The restorative approach to the resolution of the conflict with criminal law does not suggest that classical sentencing procedures and sanctions be rejected; rather, it represents their complementation, widened choice of response to crime, and the introduction of the possibility for a personalized approach to the offender. Consequently, it positively affects the effectiveness of criminal sanctions.

The authors further argue that "retributive justice or punishing justice is an approach that defines a criminal act as a conflict between the offender and the state. In this case, the state substitutes for the victim and applies sanctions on behalf of the victim, without the victim having to intervene in the criminal procedure concerned. The criminal procedure primarily focuses on the committed criminal act. Criminal liability of the offender is understood only formally and the aim is to punish the offender. The prevention of recurrence is ensured by causing harm to the offender. Restorative justice draws on the assumption that a crime is a conflict between two or more parties. It is a conflict between their value systems on the background of the normative systems of society" (Sotolář, Púry and Šámal 2000, s. 3-9). Therefore, they can only be effectively dealt with under the condition that all parties concerned are actively involved. It takes into account the actual personal responsibility of the offender for the unlawful act. A criminal act is perceived not only from a legal point of view, but from a whole complex of psychological, ethical, moral, social and economic aspects.

Drawing on the literature review and on the reflection of the available resources, it can be stated that a very important part of the sentencing itself is directing attention to the offender and the victim. Parolees, offenders released from their custodial sentence, or persons serving an alternative sentence have a variety of needs. They are not self-sufficient in fulfilling these needs, in particular the following ones: access to health care, including the treatment of addiction or other mental disorders; coping with social stigmatization; financial literacy education; financial stability assistance, including the assistance in overcoming social barriers during job search; retraining; assisting in establishing or strengthening healthy relationships (family, friends, predominantly relationship with children); assistance in providing housing; clear feedback from people around them on their expectations and needs, and their support in fulfilling those needs; people's willingness to support the offender in changing their value orientation, lifestyle, and in reintegration processes; assistance in developing personal and social skills, such as problem solving, leisure management; an opportunity to understand the victim's needs, etc. It is still important to emphasize that, in order to successfully reintegrate the offender into everyday life, assisting professionals involved in the reintegration and readaptation of offenders, a wider and closer family, colleagues at work (former or future), neighbors, friends, the community and/or whole society play an important role in this regard.

In the present research, we have primarily focused on identifying and analyzing university students' attitudes to custodial sentence and its alternatives that are part of restorative justice. We believe that restorative justice is a specific means of redressing the offender, while not contradicting the purpose of the sentence. Although its place in the society is invaluable, it is not discussed very much, and the public often does not have extensive information on the issue under question. We have decided to verify this statement; the subjects of the research were university technical sciences students who despite the absence of this type of training, consider the questions of alternative sentence up-to-

date. These students differ from the university humanities students in the depth of their awareness of the issue, and thus in the degree of positive attitude towards the offenders.

3 Purpose

Research on students' attitudes to restorative justice and to persons serving an alternative sentence.

The aim of the present research was to explore the humanities and the technical sciences students' attitudes to restorative justice and alternative sentencing (the former of the Faculty of Arts, University of Prešov; the latter of the Technical University of Košice). In particular, we were interested in the following? What are the attitudes of students, future professionals, to restorative justice – a positive substitute for retributive justice? What are the attitudes of students, future professionals, to persons serving an alternative sentence who are more likely to develop a positive change of behavior?

Partial research objectives:

1. The aim of the research was to find out whether the humanities students are more knowledgeable about the effectiveness of restorative justice than the technical sciences students.

2. The aim of the research was to find out whether the humanities students do manifest a more positive attitude to persons serving an alternative sentence than the technical sciences students.

3. The aim of the research was to find out whether the humanities students would be more inclined to support persons serving an alternative sentence than the technical sciences students if they had decision-making power.

4. The aim of the research was to find out if the students who know a person serving an alternative sentence do manifest a more positive attitude to them than the students who do not know one.

5. The aim of the research was to find out if more humanities students do regard the institution of probation trustworthy than the technical sciences students.

4 Research methodology

In the present research, we used an original questionnaire exploring the students' attitudes to restorative justice and persons serving an alternative sentence. The questionnaire consisted of 26 questions, three of which were closed questions and 23 questions used scales capturing the depth of the experienced reality. The objective of the questionnaire was to confirm or to refute the hypotheses and to achieve the research goal. Choosing individual alternatives within attitudes enabled us to determine the current state of affairs as well as the intensity of the attitude. By using pairwise comparison techniques based on the number of options, it was possible to identify the degree of the attitudes, thereby ascertaining the existence of attitudes (Švec et al. 1998), and consequently utilizing the obtained result in deliberately affecting the students of both humanities and technical sciences.

When analyzing the data, a two-step sorting was used in the SPSS 16.00 statistical program; the results were processed into contingency tables. The two-stage sorting was used for a more detailed statistical analysis of the data in order to validate the research aims. When testing the hypotheses, the results were processed in contingency or association tables, through which the investigated corresponding variables were compared; one variable always acted as an independent one – an explanatory variable, and the other one as a dependent variable – the variable to be explained. We investigated how the analyzed features were represented in both variables. The selected significance level was 0.05. When validating our hypotheses, we tested the bilateral statistical hypotheses because the bilateral hypothesis accounted for the fact that the investigated feature (in the dependent variable) may be more noticeable or less noticeable in the

variable under comparison than in the reference variable (independent variables). In order to adopt an alternative hypothesis or not to refute the null hypothesis, we compared the probability of calculated value Pearson χ^2 – square at the set significance level of 0.05. If the probability $p > 0.05$ was calculated, we did not refute the null hypothesis, and, subsequently, we adopted the statistical hypothesis.

5 The research sample

The research sample was obtained by deliberate quota selection and it included 80 university students. Out of those, 40 were humanities students (social work students from the Faculty of Arts, University of Prešov) and 40 were students of technical sciences (students of the Technical University of Košice, the external campus in Prešov). It was a deliberate selection because we wanted to verify the differences in the attitudes based on the students' knowledge and training. The questionnaire was personally administered to the students and the results were processed anonymously.

Tab. 1: The characteristics of research sample – study program

University	Gender		Total of
	Male	Female	
Humanities quantity	18	22	40
%	45.00%	55.00%	100.00%
Technical studies	20	20	40
%	50.00%	50.00%	100.00%
Total quantity	38	42	80
%	47.50%	52.50%	100.00%

Source: Compiled by the authors

The select cohort comprised eighty 2nd year Magister degree respondents, out of which thirty-eight were males (47.50%) and forty-two were females (52.50%) aged 22 – 40.

6 Results

In order to verify the first partial research aim, we used five questions in which we observed the following values: Pearson χ^2 – square = 4.94, $p = 0.047$; Pearson χ^2 – square = 6.27, $p = 0.023$; Pearson χ^2 – square = 3.164, $p = 0.126$; Pearson χ^2 – square = 33.88, $p = 0.000$ and Pearson χ^2 – square = 39.3 $p = 0.000$. Thus, it can be stated that the response values are significant with regard to the study program in which the students are enrolled.

1. partial research aim stating that, due to their vocational training, the humanities students are more knowledgeable about alternative sentencing than technical sciences students, was confirmed.

In order to verify the second partial research aim, we used five scaled questions for which we observed the following values: Pearson χ^2 – square = 12.3, $p = 0.001$; Pearson χ^2 – square = 39.3, $p = 0.000$; Pearson χ^2 – square = 34.14, $p = 0.000$; Pearson χ^2 – square = 17.28, $p = 0.000$; Pearson χ^2 – square = 23.7, $p = 0.000$ and Pearson χ^2 – square = 4.6, $p = 0.030$.

2. partial research aim stating that, due to their vocational training, the humanities students are more knowledgeable about probation and probation programs than technical sciences students, was confirmed.

When verifying the third partial research aim, we observed the following values: Pearson χ^2 – square = 7.4, $p = 0.019$. We found that there is a difference in awareness between the humanities students and technical sciences students. OR (Odds ratio) having the value of 8.3, indicated that the probability of higher awareness in the humanities students was 8.3 times higher than in the technical sciences students. 3. partial research aim stating that the humanities students, with regard to their training, are more knowledgeable about the correctional and educational effect of alternative sentencing was thus confirmed.

Six questions were used in order to verify the fourth partial research aim. The difference in students' attitudes towards a

person serving an alternative sentence, depending on whether they know such a person, was not confirmed at the selected level of significance. In other words, it is not possible to claim that students who know a person serving an alternative sentence will have a more positive attitude to them than the students who do not know such a person.

In the fifth partial research aim, we assumed that more humanities students will consider the institution of probation trustworthy than technical sciences students. The likelihood of considering the institution of probation trustworthy is 5.7 times greater for humanities students than for technical sciences students. Also this partial aim, with the values of Pearson χ^2 - quadrate = 6.154, $p = 0.019$, was confirmed.

7 Discussion

In the conducted research, we examined students' attitudes to restorative justice and to sentencing alternatives. Several authors (Lulei, 2011; Canton, 2011; Roberts, 2004) have dealt with a similar issue. Lulei (2011) conducted research on the implementation of social work in criminal justice. In his research findings, he argues that the preferred qualification for providing probation or mediation services is a university degree in social work, as the practice of probation and mediation requires knowledge from a number of scholarly disciplines. He states that a degree in the field of social work facilitates the necessary education and training for pursuing social work careers in the probation and mediation fields. Our research has also confirmed that humanities students, in comparison with technical sciences students, are more informed about sentencing alternatives, probation, probation programs, mediation, and the remedial and educational effect of sentencing alternatives. The research findings show that the former, in comparison with the latter, also tend to have a more favorable feeling towards people serving an alternative sentence.

Another finding by Lulei (2011), was that the general public was less informed about alternative sentencing than those working in the area were; therefore, he holds a view that sentences should be imposed upon criminals more strictly. The present research shows that undergraduate training affects the degree of how strict students would be in imposing a sentence in case they had decision-making power. We found out that humanities students, in contrast to technical sciences students, would prefer an alternative sentence over a prison sentence for committing petty crimes if they had decision-making power.

Similarly, Canton (2011) states that the public opinion on the degree of severity in imposing sentences relates to knowing the person serving an alternative sentence and to knowing the circumstances of the criminal case. He claims that the greater the public's insight into the details of the individual case is, the less punitive they become. The present research has also focused on determining whether knowing a person serving an alternative sentence affects the polarity of students' attitudes. The change in students' attitudes to a person serving an alternative sentence depending on whether they know him/her has not been confirmed. However, in the research, we did not focus on how much students knew about the circumstances of the case. We believe that future research will also include the insight in the circumstances of the case.

The Canadian Criminology Professor Roberts (2004), emphasizes the importance of public trust in the functioning of the criminal system, as well as in probation. A number of crimes is brought to the attention of the police as a result of information provided by the victim, the witness, or the wider public. If the public has low confidence in the police, this information comes in a lesser amount. The research findings show that a certain degree of confidence in the institution of probation can be seen in both humanities students and technical sciences students. However, based on the findings, the former express more trust in its credibility than the latter. It can therefore be assumed that this finding is important in terms of opinion-making, which is often influenced by professionals.

Based on to-date research and on its comparison with our findings, certain procedures can be predicted; namely, it is necessary:

- in the framework of preventive and awareness-raising activities, to ensure that public awareness is enhanced in terms of the needs of the offender, the victim, and the community in which the crime occurred; in terms of restorative justice, sentencing alternatives, and the activities of probation and mediation workers;
- in undergraduate training, to address the issue of students' attitudes towards restorative justice and towards persons serving an alternative sentence;
- within mass media communication, to support activities aimed at promoting restorative justice as a substitute of retributive justice, its advantages from humanistic or economic points of view;
- within particular penitentiary or post-penitentiary care, to improve activities aimed at mitigating the stigma, and to support the offender's or victim's reintegration into the society.

Regarding the present results, we consider it important to mention the educational dimension, which offers space for the implementation of the mentioned procedures. The university degree in social work provides for specialized courses focusing on the presently examined forensic social work issues, thus on bringing the knowledge closer to the students and increasing their awareness of the focal issue. In technical sciences students, this could be done in the form of lectures delivered by professionals, or through conferences or workshops.

8 Conclusion

The present research points to the necessity to identify factors and agents, including changeable or risky ones, that affect the state of restorative justice in Slovakia. The basic theoretical and legal definition of sentencing, its function and principles in its imposition is essential for a broader application framework of retributive and restorative justice. The comparing of retributive justice with restorative justice creates a prerequisite for the positive impact of restorative justice on the state, offenders, and victims. Being aware of sentencing alternatives can lead to a change in an attitude, and the individual (whether a layman or a punisher) has available more options, other than imprisonment, when it comes to protecting the society, repressing someone, preventing crime, while at the same time complying with the principles of sentencing.

We have searched for answers to questions concerning the offender and the victim, yet not forgetting the community to which the victim and the offender belong. We have pointed out the importance of choosing appropriate methods and techniques, but also the importance of social workers' proper attitudes to offenders and victims in terms of their successful reintegration into the society. We have researched the social work students' sensitivity to restorative justice and to persons serving an alternative sentence, and compared it to technical sciences students. We have found out that social work students are more sensitive to restorative justice and to person serving an alternative sentence than technical sciences students. At the basis of this intentional action is the finding that it is possible to change attitudes through facilitating knowledge and enhancing the awareness.

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