

Restorative Juvenile Justice System in the Southern Border Thailand

Korakod Tongkachok

Faculty of Law, Thaksin University, Thailand ,E-mail: tkorakod@hotmail.com

Apiwat Samati

Management for Development College, Thaksin University, Thailand ,E-mail: ong007tsu@gmail.com

Teeraporn Tongkachok

Department of Public Administration and Human Resource Management, Thaksin University, Thailand

E-mail: dr.teeraporn2559@gmail.com

ABSTRACT

This research aims to study the rehabilitation of a child and juvenile before the prosecution by applying restorative justice. For the research methodology, the methods used to collect data are in-depth interviewing of judges, officers of the Juvenile and Family court, officers of the Observation and Protection Center, and the chairman of the community justice center. Moreover, the data is gathered by group conferences from the representatives of the community justice center, a child and juvenile from the Observation and Protection Center in Songkhla, Pattani, Yala and Narathiwat provinces. These collected data are analyzed through the research process for finding the research result. Based on the research, it is found that when a child or juvenile commit crimes, there is the restorative justice diverting a child and juvenile into the rehabilitation rather than entering into formal justice. This process is called the special measures in lieu of criminal prosecution, which is the alternative approach for a child and juvenile by using the rehabilitation for a child and juvenile who can reform themselves without prosecution under the law's provisions. The rehabilitation has the objectives to rehabilitate a child and juvenile's behavior, mitigate an adverse effect or damages occurred and ensure safety for the community and society. Such process supports cooperation with the community sector. For this reason, members of the community justice center could participate in preparing the rehabilitation plan together with the government sector. They could supervise and prevent a child and juvenile from committing offence again.

Keywords:

Juvenile, Justice system, Restorative, Southern Border Thailand.

Article Received: 18 October 2020, Revised: 3 November 2020, Accepted: 24 December 2020

Introduction

Before prosecution, a child or juvenile who is alleged to have committed a crime offence punishing for a maximum term of imprisonment not exceeding five years is not prosecuted in the Juvenile and Family Court accordance with the justice system for a child and juvenile prescribed by the Juvenile and Family Court and Procedure Act B.E. 2553 (2010). (Barbara, 2002) This idea has been influenced by foreign law aiming to divert a child and juvenile from the justice system (Suzanne, 2001) or the restorative justice process (Kathleen, Bergseth, Jeffrey & Bouffard, 2012). The reason for diverting a child and juvenile from the justice system is that most juveniles who commit offences are not necessary to enter the justice system (Goldson, Muncie, 2012) when considering the juvenile's benefits. For this reason,

it can be stated that the rehabilitation can help and give opportunities for some juveniles to reform themselves (Barretto, Miers, Lambie, 2016) and do not commit the offence again (Henggeler, 2016.). The rehabilitation would benefit to juveniles and society more than bring them to the justice system.

When a prosecution is brought to the Court against a juvenile on an offence punishable for a maximum term of imprisonment not exceeding twenty years, it should consider the benefits for a child or juvenile and the injured person. For this reason, if it appears that such juvenile can repent himself or herself and harms to the injured person may be healed, the Court may order the Director of the Observation Center or any person who the Court deems appropriate to prepare a rehabilitation plan. Such plan may incorporate

conditions under which the juvenile, father, mother, guardian, any person or entities where the juvenile resides with have to comply. The Director of the Observation Center or any person preparing the plan shall submit such plan to the Court for consideration within thirty days from the date of the Court order. If the Court approves the plan, the Court shall order the juvenile and any person concerned to implement such a plan, and the Court shall temporarily dispose of the case.

Based on the unrest situations in the southern border provinces, the special laws have been applied due to the unrest situations since B.E.2547 (2003). It can be noticed that the special laws give more power to the government to prevent serious crimes and to manage emergency situations quickly. However, some improper enforcement of the special laws results in the lack of equality and transparency, leading some people to distrust the officers. Moreover, the enforcement of special laws to control the situation and ensure security to the people may violate local people's fundamental rights and freedom, affecting public confidence in officers and the government.

For the petty crimes, it can be stated that the rehabilitation of a child and juvenile in the community is the crucial matter because the process of restorative justice and peaceful means at community (Sheila, Shelby, 2020) give an opportunity for a child and juvenile able to live with family and community under the conditions. Based on the southern border province, therefore, the community justice process should be developed by participating in the community justice networks (Kathleen, Jeffrey, Bouffard, 2007). Besides, the public sector should attend in the rehabilitation process for the juvenile (Taufik, Azlinda, Ben, 2019), develop the rehabilitation plan for the offenders before prosecution, and apply the plan to the local areas accordance with provisions of the Juvenile and Family Court and Procedure Act B.E. 2553 (2010) (Ann Skelton, 2002). Furthermore, the public sector should give recommendations to improve the laws into practice leading to reduce recidivism (John,2013).

As a result, this will be a model for the southern border provinces that could reduce the number of juvenile cases in the Juvenile and Family Court and be the example model for other areas. The objectives of this research study the rehabilitation for a child and juvenile before prosecution by applying the restorative justice process in Thailand.

Literature Review

To control and prevent the juvenile delinquency through teaching the juvenile for having the adequate immunity (Sangphu, 2007: 22) and the making of troubles to other persons in society, social control is a very popular criminology theory. (Tongkachok, Apinawatawornkul, & Tongkachok, 2018: 137-147) Since, this theory is subjected to rational principles and comply with thoughts of people in society, particularly family institutes, schools and religions (Petchnarin, 2016: 77), which are an essential part of crime prevention. (Tasanachaikul, 1 9 9 7 : 45) If any person has slightly engaged to institutions, such person highly trends to commit the violent crimes and offence against life and body.

Deviant behavior is a result from a learning process through intimacy and imitation of others' behavior. (Chandransu, & Hiranrax, 2017: 45) Learning can explain almost any type of criminal behavior. (Umbreit, 2 0 0 0 : 77-88) In order to develop and strengthen awareness (Lynch, 2 0 1 2 :122) of the value of a person's life. (Chitsawang, 2000: 98-108) Such person must face the family warmth and encouragement to children, including making the firm regulations for the development of self-awareness of children. (Kittayarak, 2002: 56)

Alternative justice process is concepts and measures to create social justice (Visetsuvarnabhumi, 2 0 1 6 : 102), which allows related agencies (Roche, 2 0 0 3 :45), citizens and communities (Chonphaisan, Kanyajit, & Junprasert, 2 0 1 6 : 68) to play a role in, to participate in the determination of guideline, rules,

mechanisms and methods (Boriboonthana, & Klaekla, 2010: 34) and to jointly operate the crime prevention (Samathi, Thammasuwan, Tongkachok, & Paleethunyawong, 2018: 54) , community organization, resolution of conflicts and juvenile crimes, including an uncomplicated and unserious offence, remedies for victims of crimes, and offender rehabilitation in communities (Sukharom, et.al., 2014: 33), by associating with or promoting and supporting the main justice process for seeking a mutually final result (King, 2009:1080-1099) which is public safety of life and property, peace of society and national security.

Research Methodology

For the research methodology, this research uses the qualitative methods in form of Phenomenological approach to understand social phenomena by considering the overview and the specific in each context. This requires interpretation to understand the meaning and explain the social phenomenon that has occurred. This leads to clearly understand of what is behind the phenomenon.

This research studies the restorative juvenile justice system in the southern border provinces which consist of Songkhla, Pattani, Yala and Narathiwat provinces in Thailand.

Key informants are a person who have understood and experienced the restorative juvenile justice system in the southern border. The key informants of this research are divided into 4 groups. The first group is the Juvenile and Family Court (consisting of Songkhla, Pattani, Yala and Narathiwat provinces) leading by the Chief Judges and the psychologists who are responsible for the juvenile. The second group is the Juvenile Observation and Protection Center (consisting of Songkhla, Pattani, Yala and Narathiwat provinces Thailand) leading by the Director of Observation and Protection, involved officers and juvenile in the Juvenile Observation and Protection Center (consisting of Songkhla, Pattani, Yala and Narathiwat provinces) selected from the offender who committed a variety of offences. The third

group is the Internal Security Operations Command (ISOC), Region 4 Forward leading by chief of law department. The final group is the community justice center (consisting of Songkhla, Pattani, Yala and Narathiwat provinces) leading by the leader and the committees of the community justice center selected from the community with outstanding performance.

For the data collection, this research is conducted to collect 2 types of field work data which are In-depth interview and Focus Group Discussion to gather the data about the problems and the effectiveness of the legal action for suspects and accused who are the juvenile in the southern border in order to lead to the restorative juvenile justice system in the southern border. The process of research conducting are as follows:

- 1) There were 8 people being interviewed which are the Chief Judges and the officers of the Songkhla Juvenile and Family Court, the Pattani Juvenile and Family Court, the Yala Juvenile and Family Court and the Narathiwat Juvenile and Family Court. Moreover, there were 8 people being interviewed which are the officials of the Songkhla Juvenile Observation and Protection Center, the Pattani Juvenile Observation and Protection Center, the Yala Juvenile Observation and Protection Center, and the Narathiwat Juvenile Observation and Protection Center. There were 2 people being interviewed which are the officers of the Internal Security Operations Command (ISOC), Region 4 Forward. In addition, there were 8 people being interviewed which are the leader of the community justice center from Songkhla, Pattani, Yala and Narathiwat provinces.
- 2) There was the focus group discussion with 40 people who are the agent of the community justice center from Songkhla, Pattani, Yala and Narathiwat provinces. Furthermore, there was the focus group discussion with 20 juveniles in the Juvenile Observation and Protection Center from Songkhla, Pattani, Yala and Narathiwat provinces. Quality data analysis is a data management process to transform the information meaningful and to find theoretical explanations from data

which can be done by organizing data through content analysis. The data is classified into categories or types based on the features that the data is shared with. Then, the data are extracted to a smaller unit accordance with the specific meaning of each unit.

Research was approved by the Institutional Review Board (IRB). All interviews, questionnaires and focus group discussions which deal with the study of human subjects have meet the IRB criteria and review process. Moreover, the safety, health, welfare, and right to privacy of participants are provided as following the primary considerations of the IRB. This means that all activities in this research were conducted under the IRB approval as appeared in the methodology. Therefore, Research contains information about human participants conforming to ethical standards.

Research Results

Research results have found that, since the stage of interrogation under the special laws, there is no legal measure for the right protection of juvenile in the southern border provinces. The legal measures applied to juvenile-committed crimes shall have differences from the case of adult offenders. A lawyer must have the knowledge and ability regarding the special criminal proceedings for youth crimes. The juvenile criminal justice is based on the offender rehabilitation and treatment more than the punishment. Thereby, the juvenile criminal proceedings would be less strict than the ordinary criminal proceedings. Additionally, juvenile justice must regard the benefits of juvenile offenders. In addition to their children or youth, it is important to focus on the environment or community where children or youth are living because the committing a crime of juvenile may be caused from the community socialization. Therefore, communities should be strengthened and safe in order to reduce the chance of a child's offense. The resolving of problems over juvenile offence should be initiated from people in the community. The finding a cause of committing a

crime committed by juvenile cloud cause the appropriateness of behavior modification and habilitation in juvenile. Moreover, the right protection measure by providing legal counsels for juvenile criminals should run under a person having the well knowledge and expertise in juvenile criminal justice. In addition to those with a lawyer profession, other people in each community should have the opportunity and participation in planning of habilitation.

Under the disorder circumstance and application of special laws in southern border, it is not only adult population undergoing the effects, but it could also impact on juvenile, particularly in area of the protection of juvenile rights under criminal justice. This is because the juvenile rights of the judicial process in the southern border provinces must be under the special security laws. Ordinary criminal processes of adult offenders have been used with juvenile in the same way. It has found that a suspected person is unable to give a lawyer or an individual trust for participating in a questioning according to juvenile rights as served by international laws. Under relevant law, a child means a person not over fifteen years of age, while youth means that people over the age of fifteen years, but not up to eighteen years. These will be protected under the Convention on the Rights of the Child (CRC) in accordance with the principles of the United Nations Charter on the equal dignity and values of human beings stating that the children have the privilege to receive assistance and protection in both a family environment and other parenting on the tradition and cultural values of ethnics and socials. Thailand has signed as the State party by guaranteeing serving the protection and care for a child and imposing the duties of a parents, guardian or other persons responsible for the child, as well as for such purpose abiding by appropriate legislative and administrative measures.

Action on the use of the special measures of the Juvenile Observation and Protection Center of Pattani province will be commenced when a child

or youth is arrested and sent to there. A probation officer will be a first person to find the child or youth for interrogating and exploring the facts of lawsuit and their history. If victims have rendered the consent, when assumed conformable with rules of section 8 6 , the probation officer will submit the case to the coordination group. Then, The coordinators will meet children or youth for preliminary appraisal including activities over social welfare and psychology and will hold the meeting participated by the family groups and communities along with related persons, namely the Public Prosecutor, investigation officer, psychologist, social worker, probation officer, community leader and Director of Juvenile Observation and Protection Center for considering the rehabilitation planning. Once such plan has been revised, it will be present to the Public Prosecutor for an approval. Children and youth are in the conditions of supervision of the juvenile observation and protection center by the average duration of the rehabilitation plan. Most of the use the special measures of the juvenile observation and protection in Pattani province have been the case of drug, especially the possession of Kratom. It is necessary to make a plan with the restoration of the community. This is because that when children and youth have return to the community, if they who are not realized in the effect of drugs, may become re-addiction.

The model of family and community conference in a stage of prior filing the case to the Court of the Juvenile Observation and Protection Center

(1) Criteria for using the special measures before the prosecution for a child or juvenile

- Maximum Imprisonment of not exceeding five years
- Such juvenile has not been sentenced by a final judgment to Imprisonment.
- Such juvenile shows his or her remorse.
- Such a case has an injured person and gives his or her consent.

(2) Steps of applying the special measures

before prosecution regarding the Juvenile and Family Court and Procedure Act B.E. 2553 (2010)

When a child or juvenile is brought to the Juvenile Observation and Protection Center, a probation officer shall meet the child or juvenile to interrogate and observe the case's circumstance.

- Using the interview form to assess the risk and necessity, the assessment shall be at the low or medium level and not be a particular dispute.
- The results of the evaluation meet the criteria and conditions of special measures.
- A probation officer gives an opinion to the Director of the Observation and Protection Center.

- Holding the family group conferences
- When the Director of the Observation and Protection Center agrees, a rehabilitation plan shall be prepared.

The Observation and Protection Center will issue an invitation letter to the participants, the Juvenile and Family Court, and the inquiry officer.

After the rehabilitation plan conference, such a plan shall be sent to the public prosecutor for consideration.

(3) Key mechanisms for conference assignment and administration

The Juvenile Observation and Protection Center is the primary organization for conference assignment and administration.

(4) Conference

Consisting of the public prosecutor, the inquiry officer, the community leader, guardian of an injured person, a disabled person, guardian of an offender, the Director of the Observation Center, offender, probation officers, psychiatrists, and social workers

(5) Family

Members of a family or a person who takes care of the child or juvenile must attend the family and community conferences. They shall be liable for the injured person to mitigate mental conditions healing and compensate for the damages.

(6) Injured person

(7) Conference results

- Giving consent for holding the family group and community conferences and attending the conference, feeling, forgiving, and accepting the rehabilitation plan

The rehabilitation plan's most conditions are community services, public works with approval from the panel, and the juvenile's best interest. The Observation and Protection Center shall nurture juveniles' behavior during 3-6 months for the minimum period. The example of conditions of the rehabilitation plan, such as they are not allowed to leave their home after 8:00 pm, they are not allowed to play more than an hour of games, and the juvenile must report himself/herself and receive advice from the psychologists or social workers at the Juvenile Observation and Protection Center.

This could create the shape of the behavior in a period. When a child or juvenile, to comply with the rehabilitation plan, the Observation Center's Director shall report to the public prosecutor. If the public prosecutor agrees, the public prosecutor shall have the power to make a non-prosecution order. The Director of the Observation Center shall report such order to the Court. Such order shall be final, and the right to institute a criminal prosecution is extinguished. However, an interested person is still entitled to file a civil complaint.

Problems of the determination of rehabilitation plan forms before the prosecution

The Restorative Justice of the juvenile in the southern border provinces aims to sort out the juvenile who commits an offense at the first time and minor offense by using the diversion measure without prosecution to the Juvenile and Family Court. According to the information of the community sectors and the officers of the Juvenile Observation and Protection Center in the southern border provinces, it is noticed that there is only a broad framework for exercising the discretion of the Director of Observation and Protection. This still lacks the clear laws, the appropriate process,

and methods for such juveniles' best interest. Moreover, it lacks of the checks and balances and accountable organizations to follow up on the plan.

The problems are terminated when the Juvenile and Family Court and Procedure Act B.E. 2553 (2010) is entered into force. The current issue is called Special Measure instead of Criminal Prosecution. This is applied for the juvenile with non-serious offenses, and the Director considers that such juvenile shows his or her remorse and may reform himself or herself without prosecution.

The Director of the Observation Center shall prepare the rehabilitation plan and submit such a project to the public prosecutor for approval of the rehabilitation plan and making a non-prosecution order. In preparing the rehabilitation plan, all persons relevant to the juvenile attend the meeting to prepare the rehabilitation plan. Based on the provided law, the Observation Center Director shall invite the juvenile party alleged to have committed an offense, injured party, and psychologists or social workers to attend the conference. If necessary, the Observation Center Director may invite community representatives or delegation of any entities concerned or effected by an offense committed, or a public prosecutor. For inviting such persons to attend the preparing the rehabilitation plan, it depends on the Director of the Observation Center's discretion. However, there are some problems in determining the scope, steps, structure, and persons in the committee forms who attend the conference to prepare the rehabilitation plan before prosecution.

Analysis of the provisions of the law that defines persons in the form of the committee attended the conference for preparing the rehabilitation plan before prosecution

For the operation of particular measure instead of criminal prosecution of a child or juvenile committing an offense and preparation of the rehabilitation plan submitted to the public prosecutor which is beneficial for such child or

juvenile, there are the provisions of the law providing that the preparation of the rehabilitation plan shall be completed and proposed to the public prosecutor for consideration within thirty days from the date on which the juvenile has shown repentance for his or her activity. This is the cooperation in preparing the rehabilitation plan by persons related to such a child or juvenile. This is dependent on the discretion of the Director of the Observation Center.

Determining persons attending the preparation of a rehabilitation plan focuses on the child's best interests and protects the rights of a child and juvenile because there are psychologists or social workers who understand the fragile mind of a child or juvenile. There is an exciting issue that the Director of Observation and Protection Center, in practice, invites the community representatives to attend the preparation of such a plan with considering the full compliance with the criteria provided by the law. This is resulting that the rehabilitation plan is not as effective as expected. Such a law aims to apply restorative justice to diverse a child from the justice system by considering the best interest of a child or juvenile and will be rehabilitated. The injured person will be mitigated, and a child or juvenile could reintegrate himself or herself in society.

According to restorative justice, it can be stated that community representatives play an essential role in attending the preparation of rehabilitation plans because the community representatives understand the juveniles in their communities and are respected by people in the community. This would result in the project is prepared as suitable for a child or juvenile. Furthermore, this could encourage a child or juvenile to reintegrate into society and live with the community with peace.

It can be stated that the adjustment of a child or juvenile's behavior who committed the offense needs cooperation from several sectors, whether government officers or private sectors. Moreover, it is noticed that the inquiry officers in the most southern border provinces do not attend the conference in preparing the plan. In contrast, the

public prosecutors may participate in conference depending on the case. However, during B.E. 2561-2562, the public prosecutors in Songkhla province attended all conferences in preparing a plan. For this reason, the inquiry officers and the public prosecutors should participate in the preparation of the rehabilitation plan before prosecution. This is because the process of arrest and inquiry of the inquiry officer and the process of making prosecution of the public prosecutor is a stage before the prosecution and before the preparing of rehabilitation plan. For this reason, the attendance of the inquiry officer and public prosecutor could benefit for considering the offenses. This also benefits for understanding the behavior of a child and juvenile contributing to good works and continuing to the trial of the Court.

Analysis of the attending of community in the restorative for a child and juvenile

The research results show that community justice in the southern border provinces is a model created by people in the community. There are volunteers to help people in the community and apply democratic principles for solving the dispute. It can be stated that the proceeding of criteria insisting is the proceeding of creating knowledge for people and related persons.

When the crime occurred, restorative justice aims to rehabilitate those offenders in order to prevent any recidivism causing damage to members of the community. This principle focuses on the mitigating procedure for the victims in areas of living, health, and condition of mind accordance with the Consideration for Injured Persons and Compensation and the Other Necessary Expenses for the Accused Act B.E. 2544. In this case, the community justice networks will cooperate with the Justice Provincial Office to file a motion of mitigation. Moreover, when someone in the community is convicted by the Court and punished in any form, there are the effects to members of community. This is because they are afraid that when such offender returns to the

community in the future, they may constitute a danger to the community. For this reason, the criminal justice system should assure the community by providing measures to prevent recidivism from reducing the community's concern and support the integration of the formal and informal social control system.

The community justice aims to rehabilitate the offenders and return the offenders who have reformed himself to the community by using the restorative justice as the mechanism, such as mediation of the dispute, family group conference, and using the probation committee for mitigation. Also, the victim and the community will be mitigated by the offender. However, the community justice refuses to the punishment principles that do not rehabilitate the offenders who do not show his or her remorse for his or her action.

The mitigating damages that happened from committing offense rather than punishing the offender will help the relationship between the offender, victim, and community get back to normal quickly. As a result, the offender receives remorse for his or her action and remedy the damages even it is the public works. In the case of victimless, the offender should attend mental training. There are many projects about mental training that integrate spirituality and religion into psychotherapy practice; for example, the Bumiputera project. This project was founded to treat drug addicts in local areas due to the increasing number of drug users.

Therefore, it is necessary to rehabilitate drug addicts in order to adjust their behavior and attitude to be aware of the harmful effects on users, their families, society, and nation by integrating principles of religion into a pattern and a way of life, creating the discipline and learning the essential skills to prohibit the recidivism. This would build on the strengths in the southern border provinces. Moreover, Islamic leaders can participate in drug offenders training in order to prove that they can re-enter society. Meanwhile, the justice community should engage in the

practice. This procedure would benefit all related persons depending on the model of restorative justice to be adopted.

Poverty and inequality in the community cause the increase of crimes which raises people's concern in the community. Such a community always lacks the resources to tackle crimes in its community. Therefore, the justice community needs to cope with inequality issue by starting from the exploration of the community's abilities to prevent and tackle crimes and explore the resources in society that will be used to benefit the community in the form of welfare. Such exploration has the objectives to increase the community capacity by using its resources and outside resources to solve the community problems and reduce poverty and inequality. Furthermore, it can be stated that the support of the strength of the relationship between members of the community could reduce the feeling of imbalance. The best example of solving the inequality issue is to renovate residences in the community by supporting the ideas of local people and having such people participating in the proceeding.

The justice community's strategy is to protect public safety by removing offenders from the community as soon as possible. However, such a strategy also has the objective of not leave any member behind. This means that the offender will one-day return to the community causing the justice community to find the solutions to rehabilitate such offender and encourage them to reintegrate into society to make the offender feel like to be a part of a community, not a stranger and develops the relationship between community and offender. This solution could prevent anti-social ideas, which can lead to recidivism.

Peaceful coexistence and independence are principles that the community should adhere to. Community justice, based on such principles, should coordinate the works with all sectors and organizations to achieve their goals. Moreover, it can be stated that the principle of interdependence aims to support positive behavior by using various

measures, such as doing public works, getting involve the community crime prevention campaigns, learning social skills, and control the surveillance of young people. These measures are opportunities given by the community for the offender to reform himself or herself.

Before applying crime prevention through a new environment, it should first consider the community environment. It is noticed that the areas in southern border provinces can easily commit crimes due to the terrorism. This problem could be solved that the community justice networks should confederate changing the village environment by being the watchful eyes and ears to the community. As a result, each community in the southern border provinces will be safe and becoming the sustainability of tourist attraction. After the community environment changed, the community related to drug problems will free from such issues because drug sellers and drug users could not live in the community due to the crime prevention measures of a community.

The relationship between people in the community creates various tasks for helping and promoting people to acknowledge these tasks' roles, such as crime prevention and control, receiving grievances, dispute settlement, and additional remedy for victims and rehabilitation. Moreover, the community Health Promoting Hospital plays a significant role in health promotion, treatment, disease control, and health recovery. This hospital has a relationship with the community because it has an intimate relationship with people in community and understands the community context.

School in the community plays a pivotal role in publicizing current knowledge to the community. Before educating, therefore, school must be qualified and ensure that the knowledge could improve the quality of life and develop the community at the same time. It can be seen that the relationship between people in the community and schools cannot be separated because school is a part of the community. The guardians and people in the society can be working together to

analyze and solve the problems by using the school as a central place to find the solutions.

The mosque plays a role as the center place of the community in worship, prayer, giving a sermon, Quran readings, religious training, and coordination between the government sectors and people in the community. For this reason, it can be stated that the mosque is a crucial organization of Islam in developing the Muslim community. From the past to the present, the mosque has become a symbol of the Muslim community representing the community's prosperity and degradation. Currently, Muslims consider the mosque as the organization that plays a significant role in the developing community, not only for a place of worship. This includes the temple which is also a central place for gathering community members to worship and hold various religious ceremonies.

Also, Tadika school plays a role in educating young children in doctrine and Islamic principles, teaching the Arabic language, and teaching Malay language. It can be stated that the knowledge provided by Tadika school can develop and improve the life quality of community members, including the community. For this reason, it can be seen that the relationship between people in society and the Tadika school are inseparable. Hence, Imam and Tadika teachers should realize that Tadika school is a part of the community. Moreover, Tadika school is likely to be an organization of the justice community network, which supports the justice community's tasks to benefit people in the southern border provinces.

Conclusion and Discussion

The context of the southern border society is a multicultural society which cannot be performed in the same direction. It is also necessary to take into account the people participating in the plan for the juvenile rehabilitation to meet the requirements of the law. In practice, people who are involved should clearly understand the process and coordinate with the relevant organizations. It can be noticed that family group meeting and the

community can be applied to juvenile's offence to restore and correct them to be a good person. However, the use of such measure has also infected in compliance with the provisions of the law. Moreover, coordination between the organization producing family group meeting and community getting practical problem when the community is applied, especially the community justice center in the southern border provinces, which has the style of working as a volunteer work. The board of directors has five main missions which are (1) Community crime prevention and control, (2) receiving complaints, complaints and advice, (3) dispute compounding, (4) remedies or enhancing vitality for the crime victims and feelings of the community, (5) receive a prisoner or a person who has been detained back to the community that they can live in the social community as usual and do not revert to a repetition. It can be seen that five main missions are associated to solve problems for children and communities. If the community's Fair Center has participated in the rehabilitation of children and youth, or grouping youth risks in the community which is the main task of preventing and controlling criminology in the community. A healing or strengthening the victim and feelings of the community and rehabilitation the youth to be back to communities can be monitored to prevent children and youth from turning to misconduct. Therefore, the rehabilitation mission for the people who have returned to the society which is a key mechanism for driving access to Involve in the fair work. It will be the key to drive the fair community work to justice as well as to reduce inequality to people in the area to provide peace for southern border provinces.

It can be stated that the gap between rich and poor causes inequality. This gap produces the difficulty for poor people in access to the justice system. Based on such problem, the community justice has provided the justice administration to the community to facilitate poor people having equal access to the justice system when their rights are violated. However, it is noticed that the

community justice should be found by the will of people in the community, and persons who work for the community justice should have the ability to help people in their community. According to the study of community justice in the southern border provinces, most people who work for community justice are the local government officers and retired teachers. These people are willing to work with local people and the government sectors to benefit all people in the community by relying on the campaign of no one cares about the community than a resident.

In the beginning, the Office of Justice in the southern border provinces by the Ministry of Justice is responsible for recruiting representative groups in the community to organize the training, education, and create a network for practical cooperation, especially creating a communication center for emergency responses from the community justice. Moreover, such representative groups also have duties to give legal advice, prevent crimes or drugs, and provide ways to approach social problem solving for the community and provide the settlement of disputes between people in the community. In addition, these representatives may attend the juvenile training programs which are likely to be risk behavior leading to the offence committing. It can be stated that these provided programs aim to let the juvenile know the impact of the offences.

This has been developed the representative groups in the community being a part of the justice administration in providing the remedy for injured persons and offenders and crime prevention. It can point out that people in the community should support and participate in the government's community justice activities. If people in the community play a vital role in community justice, this will encourage local people to get in touch with the local community justice center.

The community justice is an organization that is founded by the participation of the people in the community. As a result, the community justice driven by people's involvement can be the foundation to reform Thai justice in the manner of

rehabilitation of juveniles who commit petty offences to create a peaceful society.

Thus, the plan for the rehabilitation of children and youth in the southern border provinces, the director should invite the community representatives, representative of the community fair center in each community, to meet to participate and solve those problems. The center should prepare the basic information of a child or young person who is acting upon the knowledge of the director in order to take place of opinion as a community representative, participate in the provincial rehabilitation plan at the discretion. When it is considered to make the revised plan for those community, then send the plans to the center. The center will receive the overall problems of children and youth to provide a suitable plan for them.

provided in the Juvenile and Family Court and Its Procedure Act, B.E. 2553, understanding and realizing in the justice system for a child and juvenile could reflect the role of the Juvenile and Family Court being the main institute for "protection, prevention, correctness and rehabilitation" of a child and juvenile, injured person, community and society by applying measures provided in the Juvenile and Family Court and Its Procedure Act. For this reason, it is necessary to inform the society about the role of the Juvenile and Family Court in a matter of continuous development of the justice system for a child and juvenile who live in the plural society.

The community justice center should hold a conference for making a rehabilitation plan. Then, the representatives or the chairman of the center attend the conference for the rehabilitation plan provided by the Juvenile Observation and Protection Center and the Juvenile and Family Court.

In practice, the community justice center should provide a conference in rehabilitation plan at Tumbon level to consider the possible ways in returning a child or juvenile to the community, and summarize the results. Then, as a representative of the community sector, the

chairman of the center attends a conference in preparing a rehabilitation plan at the Juvenile Observation and Protection Center or the Juvenile and Family Court.

Family is considered one of the most important units of society and a part of social structure. Therefore, it can be stated that the development of the family unit is a vital matter. According to the southern border provinces, it can be noticed that most parents are separated from their children because they have to work in Malaysia, and their children are left alone at home. This can lead to social problems. Thus, it should provide a family rehabilitation system for parents and children by creating the monitoring system.

References

- [1] Ann Skelton. 2002. Restorative Justice as a Framework for Juvenile Justice Reform. A South African Perspective. *The British Journal of Criminology*, Vol. 42, Issue 3: 496-513.
- [2] Boriboonthana, Y & Klaekla, P. 2010. *Effectiveness of the Restorative Justice Process on Crime Victims and Offenders*. Bangkok : Research and Development Institute, Department of probation.
- [3] Barbara Hudson. 2002. Restorative Justice and Gendered Violence: Diversion or Effective Justice?. *The British Journal of Criminology*, Volume 42, Issue 3, 1 June :616-634.
- [4] Barretto Craig, Miers Sarah, Lambie Ian. 2016. *The Views of the Public on Youth Offenders and the New Zealand Criminal Justice System*. *International Journal of Offender Therapy and Comparative Criminology*, vol. 62, 1: 129-149.
- [5] Chandransu, N. & Hiranrax, S. 2017. *Learning Management through Cultural Diversity for*

- a. *Children, Youths and Community*. Bangkok: Research Institute for Languages and Cultures of Asia, Mahidol University.
- [6] Chitsawang, N. 2000. Restorative Justice: Alternative justice system, victims and community participation. *Penology Journal*, March 2, p 6-9.
- [7] Chonphaisan, P., Kanyajit, S. & Junprasert, T. 2016. *A study of policy on problem solving of violent behavior in vocational students*. Bangkok: The Thailand Research Fund.
- [8] Goldson B. Muncie J. 2012. Towards a global 'child friendly' juvenile justice?. *Internationa Journal of Law, Crime and Justice*. 40 (1): 47-64.
- [9] Henggeler, S. W. 2016. *Community-based interventions for juvenile offenders*. In K. Heilbrun, D. DeMatteo, & N. E. S. Goldstein (Eds.). *APA handbooks in psychology*. APA handbook of psychology and juvenile justice (pp. 575–595). American Psychological Association
- [10] John Muncie. 2013. International Juvenile (In)justice: Penal Severity and Rights Compliance. *International Journal for Crime, Justice and Social Democracy*. Vol 2 No 2: 43-62.
- [11] King, M. 2009. Restorative Justice, Therapeutic Jurisprudence and the Rise of Emotionally Intelligent Justice. *Melbourne University Law Review*, Monash University Research Paper No 2009/11 Date 3 November
- [12] Kathleen J. Bergseth, Jeffrey A. Bouffard. 2012. Examining the Effectiveness of a Restorative Justice Program for Various Types of Juvenile Offenders. *International Journal of Offender Therapy and Comparative Criminology*, vol. 57, 9: 1054-1075.
- [13] Kathleen J. Bergseth, Jeffrey A. Bouffard. 2007. The long-term impact of restorative justice programming for juvenile offenders. *Journal of Criminal Justice*, 35,4 July-August 2007: 433-451.
- [14] Kittayarak, K. 2002. *Restorative justice: Alternative for the Thai Justice System*. Bangkok: The Thailand Research Fund.
- [15] Kittayarak, K. & Uaamnoey, J. 2007. *Future justice system and peace in society and communities. Restorative justice process*. Bangkok: The Agricultural Cooperative Federation of Thailand.
- [16] King, M. 2009. Restorative Justice, Therapeutic Jurisprudence and the Rise of Emotionally Intelligent Justice. *Melbourne University Law Review*. Faculty of Law, Monash University Research Paper No 2009/11 Date 3 November
- [17] Lynch, N. 2012. *Youth justice in New Zealand*. Wellington: Brookers Ltd.
- [18] Lois Presser, Christopher T Lowenkamp. 1999. Restorative justice and offender screening. *Journal of Criminal Justice*. 27(4):333-343.
- [19] Petchnarin, S. 2016. *The cooperative pattern between school and sub district administrative organization to prevent youth criminal cases*. Bangkok: Thailand National Defence College.
- [20] Roche, D. 2003. *Accountability in Restorative Justice*, Oxford : Oxford Universtiy
- [21] Sinloyma, P., Nantiwatkun, N., Ketsil, T. & Markvichit, M. 2017. *The Paradigm Shift of Thai Juvenile Recidivists to Reconstruct Value of Life before reintegration*. Bangkok: The Thailand Research Fund.
- [22] Sangphu, P. 2007. *Rehabilitation, solving and prevention of children and youth. Personal*

- academic documents in the part of the curriculum.* “Chief Executive Justice Officer(CJO)” Gen.10 College of Justice. Bangkok. Office of the Court of Justice.
- [23] Sukharom,R., et al., 2014. *Synthesis of knowledge on social protections for children.* Bangkok: The Thailand Research Fund.
- [24] Samathi, A., Thammasuwan, P., Tongkachok, K. & Paleethunyawong, K. 2018. Concern by The Siamese Community in Malaysia to Conflict Situation in Provinces the Southern of Thailand Case Study: Attitude The Siamese Community Malaysia in Kedah, Kelantan and Perah. *Parichart Journal Thaksin University* Vol. 31 No.2 : 269- 290.
- [25] Sheila M. McMahon, Shelby Pederson.2020.Love and compassion not found Elsewhere”: A Photovoice exploration of restorative justice and nonviolent communication in a community-based juvenile justice diversion program. *Children and Youth Services Review.* 117:1-9.
- [26] Suzanne Goren. 2001. Healing the victim, the young offender, and the community via restorative justice: an international perspective. *Issues Ment Health Nealth Nursing.* 2001 Mar;22(2):137-149.
- [27] Taufik Mohammad, Azlinda Azman, Ben Anderstone.2019.The global three: A Malaysian lens on the challenges and opportunities facing restorative justice planning and implementation. *Evaluation and Program Planning.* Volume 72,February :1-7.
- [28] Tongkachok, K., Apinawatawornkul,K. & Tongkachok, T. 2018. Restorative Justice and Peaceful Means at Community Justice Center in the Southern Border Provinces. *Naresuan University Law Journal*,Vol.1 1 No.1(January- June 2018): 137-158.
- [29] Tasanachaikul, N. 1997. *Crime: Control : Prevention.* Bangkok: Kasetsart University.
- [30] Tony F Marshall. 2018. *Restorative Justice: An Overview.* Published by Coventry Lord Mayor’s Committee for Peace and Reconciliation
- [31]Uaamnoey, J. 2005. Restorative Justice in Prison in the past and current situation. *Journal of Criminology* 3, 3-7.
- [32] Umbreit, Mark S. 2000. *The Restorative Justice and Mediation Collection: Executive Summary.* Washington, D.C.:U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime
- [33] Visetsuvarnabhumi, K. 2016. Research and Learning Network Development for Youths’ Peaceful Cultural Creation in Southern Border Provinces: A Case Study of Pattani. *Parichart Journal,* Thaksin University, 28(3), p.50-63.