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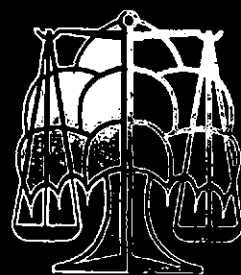
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Crime in
Indonesia

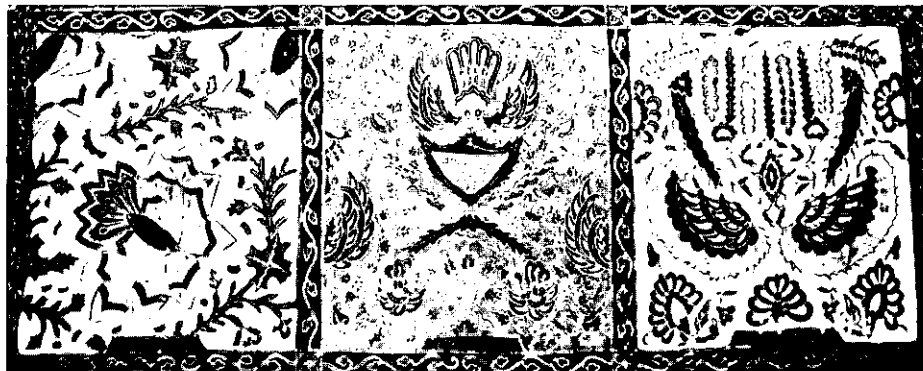
The
Prevention of
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Corporate
Crimes in
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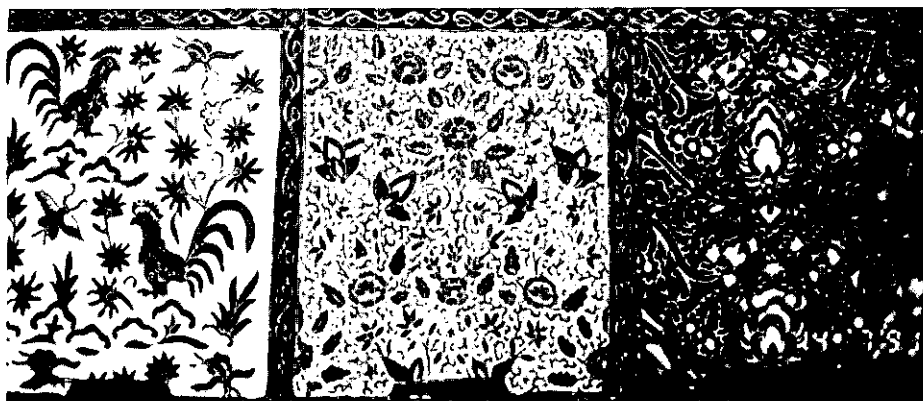
THE INDONESIAN SOCIETY OF CRIMINOLOGY
ASOSIASI KRIMINOLOGI INDONESIA



The conference 'International Trends in Crime: East Meets West' held in Bali, Indonesia, from 10 to 13 December 1990, provided the forum for the inaugural meeting of the Indonesian Society of Criminology, and speakers and delegates attended from Japan, Europe and the United States, as well as Indonesia and Australia. The conference was held under the sponsorship of the Netherlands Council for Cooperation with Indonesia in Legal Matters, with the administrative assistance of the Australian Institute of Criminology.

At this historic meeting a number of major issues were debated which affect both East and West; for example, crimes against the environment, services for juvenile delinquents, narcotic drugs, community centred crime control, and HIV/AIDS and prisons.

This issue of *Criminology Australia* includes only a limited selection of the papers delivered at the conference. A fuller version of these papers and others given at the conference will be included in the Australian Institute of Criminology Conference Proceedings, to be published late in 1991. This joint conference will now become a biennial event and the second 'East Meets West' will take place in Bali in December 1992.



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Crime in Indonesia

To evaluate the state of crime only on the basis of official statistics is inadequate. In a country like Indonesia, where no real study has yet been made on the extent of crime, criminal statistics are the only indicators used in the approximation of the crime problem.

A report which covers the year 1985 shows that out of the 44,689 cases received by all of the prosecutor offices, 893 cases (1.6 per cent) cover 540 narcotic offences, 158 corruption offences, 117 smuggling cases, 57 economic offences and 21 subversive offences. The report also shows that in 1985 the prosecutor offices handled 74,345 offenders (men: 70,769 and women: 3,576), of which 2.5 per cent were minors (not yet 16 years old) and 67.1 per cent were young adults (between 16 and 30 years of age). Most of the minors were involved in theft (1,243), assault (229), manslaughter (77) and extortion (52). Out of the 669 defendants in the narcotic offences, 545 (81 per cent) were between the ages of 16 and 30. (See tables 1 and 2).

Although the tables do not show that recorded crime is increasing, the public are uneasy that crime in the street, especially in the urban centres, is rapidly increasing. Most of this 'fear of crime' comes through the mass media. Violent crime in particular (for example murder, rape, robbery and assault) produces a feeling of danger and insecurity to many people. Narcotic offences (especially drug trafficking) seems also beyond effective control and may drag all kinds of other crimes in its wake. The growing involvement of the young in criminal offences has greatly alarmed society. Is this the price that a society in a developing country is expected to pay for economic progress?

Table 1

Selected offences against the Criminal Code reported to the police in 1981-1986

Type of crimes	1981	1982	1983	1984	1985	1986
1. Crimes against public order	1.959	1.702	1.094	926	805	621
2. Crimes against morality	2.997	3.941	3.234	2.816	3.510	3.088
3. Rape	2.147	1.842	2.261	2.114	1.923	1.245
4. Gambling	1.972	1.327	1.889	2.092	2.420	1.835
5. Murder	1.616	1.547	1.769	1.457	1.549	1.369
6. Aggravated assault	15.264	14.466	14.173	13.379	12.414	11.626
7. Assault	16.524	18.553	19.169	18.662	18.398	14.582
8. Burglary	98.199	84.552	78.670	50.964	61.195	47.105
9. Theft	11.738	16.480	13.516	26.884	10.854	11.051
10. Robbery	17.048	16.303	12.637	7.380	6.181	5.687
11. Fraud	13.592	13.995	15.215	14.910	13.617	10.078

Source: Central Bureau of Statistics 1988, *Crime Statistics: Data Source From Police Force 1986*, Jakarta.

Table 2

Violations against certain laws outside the Criminal Code reported to the prosecutor office in 1983-1985

Types of law	1983	1984	1985
1. Narcotic offences (Law no.9/1976)	1.004	804	540
2. Economic offences (Law no.7/1955)	446	151	57
3. Corruptive offences (Law no.3/1971)	597	372	158
4. Subversive offences (Law no.11/1963)	67	113	21
5. Immigration offences (Gov.Reg.no.45/1954)	85	34	19
6. Smuggling (Ord. on Customs of 1931)	-	177	117
7. Weapons offences (Law no.12/1951)	1.721	801	880
8. Tax offences (Law no.6/1983)	-	4	6

Source: Central Bureau of Statistics 1985, 1986, 1988, *Crime Statistics: Data Source From Prosecution Office 1983, 1984, 1985*, Jakarta.

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Mardjono Reksodiputro
Photo: Barry Ellem

Urban Crime

Industrialisation in certain Indonesian urban centres and the development of transportation facilities have created vast migration to the cities. There is a shortage of decent low cost housing. For children it also means the loosening of social and family ties, which is frequently accompanied by lack of parental upbringing. These are all factors which are conducive to crime. However, to decrease the tendency for urbanisation, village development programs, aimed at improving the village infrastructure, are being undertaken throughout Indonesia.

The cities have higher crime rates compared to the rural towns. Cities have grown very rapidly in the last decade. Unfortunately, the building of new industrial areas and factories has not been accompanied by the development of new housing areas and facilities for the migrants who are seeking jobs in the new industries. The existing housing areas and facilities are not adequate. It is therefore not surprising that the 'frustrated expectations' of these people become another factor conducive to crime.

Organised criminal activities may be prevalent in many of the slum areas, for example drug trafficking and the receiving of stolen goods. These, in turn, will promote other types of crimes like theft, burglary, and robbery. The essential task of the police in slum areas is to prevent crime, and not so much to enforce the law. To carry out the program, the police should develop prevention initiatives that involve members of the respective community and their community organisations. The 'Kamtibmas' (public safety and order program) and the 'sistem keamanan

lingkungan' (environment safety system) approaches are not sufficient, as they are more directed towards defending the community against criminal offenders. The prevention programs in the slum area should be more directed toward helping the offenders or potential offenders. The police should work more closely with citizens and other local officials to put into place a mechanism to aid those drug addicts and alcohol addicts. The procedure must be easily accessible to every addict, quick in responding and free of charge. Another aim of this mechanism would be to prevent conflicts between the community members and the addicts. The problem of crime should not only be handled through 'traditional repressive' methods, but also through efforts to give a better quality of life to the people (especially those people who are living below the poverty line).

Still another urban crime problem is organised crime. Although no study has as yet been made on this problem, the general feeling and consensus is that it is quite widespread in Indonesia. Although mostly identified by the public with narcotics trafficking, the expert opinion is that it has also encroached into fraud and corruption activities. It has therefore a high destabilising and corrupting influence on fundamental social, economic and political institutions. Public revenue fraud and corruption, in particular, have caused great concern. Unfortunately, although public awareness of the enormity of the problem is growing, effective countermeasures and preventive strategies are still lacking.

Crimes against the economic welfare of society

In the last 20 years the government has successfully improved the economic condition of the country, through improving facilities in the fields of commerce, communication and modern equipment. With the increase of economic activities, apparently manipulation in these fields also increases. Manipulation takes various forms and is a threat to the welfare of society in developing countries like Indonesia.

One form of manipulation is foreign exchange traffic. Another is fraud, for example the production of false shipping documents (which may be part of smuggling activities) or the falsification of the books of the company (which may be part of a tax fraud).

Although in developed countries the above crimes are considered more or

less conventional crimes, for developing countries they are quite novel.¹ Most of these crimes are committed by those who are educated and have a good economic position in society. Quite a few of these 'white collar criminals' have shielded themselves behind corporations. There is therefore increasing pressure to amend the criminal code so as to make it also possible for corporations to have criminal liability. It should be noted that the concept of criminal liability of corporations (legal persons) is not found in the Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana). However, outside the Code the concept has been accepted in full (i.e. the corporation as an offender has criminal liability) since 1955 (Law No. 7/1955 on Economic Offences) and later in 1963 (Law No. 11/1963 on Subversive Offences) and in 1976 (Law No. 9/1976 on Narcotic Offences).

Corrupt activities by government officials — the taking of bribes — should also be included. This 'bureaucratic corruption' has resulted in serious losses to the state finances.

One of the characteristics of unconventional crimes is that the victim is usually an 'abstract victim' and in many cases there is collective victimisation. Such victims can be found in relation to consumer offences or consumer frauds and also environmental offences. Many cases of consumer fraud can be observed where the victims usually remain silent, in, for example, cases of misleading advertisements, merchandising fraud and business opportunity swindles. In cases of environmental pollution, such as the pollution of rivers and lakes, the people whose livelihood depends upon those waters usually remain silent. It is therefore encouraging to see that in the last few years more and more non-governmental organisations have stepped up their activities to speak up on behalf of these silent victims. It is likewise encouraging to see how the government and the law enforcement agencies are reacting positively.

There is a need to improve our understanding of the crime problem. It should go hand in hand with a better understanding of how the criminal justice system works. We should also bear in mind the various constraints with which the law enforcement agencies have to cope in their daily work.

The international exchange of data and experiences, as evidenced by this conference, will enable a cross-cultural comparison of our respective criminal justice systems. This in turn, will hopefully improve our crime-control mechanisms and develop more effective prevention and rehabilitation approaches.

1. Further discussion of this topic is contained in a study (1989) by Chrispinus Boro Tokan, criminal law lecturer at the Nusa Cendana University in Flores. This Study considers the social reaction of 'criminal offences against the local customs' in the Lamaholot village in East Flores.

Controlling Violent Crime



Muhammad Mustofa
Photo: Barry Ellem

A Case Study of the 'Siri' Phenomenon in the Buginese-Makassarese Community, South Sulawesi

another in public then, according to customary law (adat), that person and his family are obliged to restore their 'siri' through the execution of violent conduct (usually homicide) against those who have caused the loss of 'siri'. If such action is not taken, those who have lost their 'siri' will be considered worthless by society.

The knowledge of crime causation in the case of 'siri' is very valuable for controlling crime. Sutherland and Cressey mention that such a knowledge: 'would be useful in control of crime, providing it could be "applied" in much the same way as an engineer "applies" the scientific theories of the physicist' (Sutherland & Cressey 1977, p.522).

In line with the assertion of Sutherland and Cressey, violent crime in the Buginese-Makassarese society, which is attributed to 'siri', may be controlled through social planning to alter the orientation of the society from the use of violence in resolving conflict, into more acceptable behaviour in accordance with the dominant attitudes in the society which are anti-violent.

To explain how the sociocultural approach might work in controlling violent crime in the Buginese-Makassarese society, the discussion will be divided into two parts: the sociocultural circumstances in which 'siri' is used as a rationale to execute violent behaviour; and the requirements which are needed for an effective and successful sociocultural approach in controlling 'siri'.

The Sociocultural circumstances in which 'siri' is used

Literally, 'siri' means dignity, honour or reputation, but as a sociocultural concept, it has two meanings which seem contradictory: **'Siri Ripakasiri'** is the

deep feeling of shame that one's dignity has been degraded by others in public; **'Siri Masiri'** is a way of life which directs the spirit of a person to gain success.

This paper deals only with the 'Ripakasiri'. In the case of 'ripakasiri', if a person perceives that his dignity has been degraded by others, he is expected to restore it by killing the offenders. The reason is that, according to the Buginese-Makassarese value system, a person who has lost his 'siri' ('mate siri') is no longer valuable as a human. His status is the same as an animal; so it is better to die than to live without dignity. To die as a consequence of fighting for 'siri' is a worthy way of dying (Abidin 1983, p.7).

'Ripakasiri' is felt not only by the direct victim, but by all of his family. Thus, the duty to restore 'siri' is not only the duty of the victim but the duty of every member of the family or kinship. The duty to restore 'siri' will be executed any time or anywhere whenever possible, even though the incident may have occurred in the past. In the Buginese-Makassarese society this solidarity strengthens the 'siri' value.

As violence in 'ripakasiri' is socially or culturally accepted or even expected, Abidin comments that it is not a revenge but a customary moral obligation that must be observed (Abidin 1983, p.3). Errington further reports that for the Buginese-Makassarese, there is no more important goal in life than to maintain 'siri' (Errington 1977, p.43).

Situations in which 'ripakasiri' might occur, originally related to marriage, for instance, elopement. Besides marriage, homicide, rape, and sexual harassment are the most common situations resulting in 'ripakasiri'. Nowadays, 'ripakasiri' may include any incident which is perceived to be humiliating.

Even though 'ripakasiri' is expected to be restored through violent conduct,

Why does crime occur? The explanation may be biological, psychological, juridical, anthropological, or sociological. The result of the criminological inquiries should provide bases for policies leading to the reduction of crime. In this regard Sellin states 'the result of such a study may afford a basis for social action or public policy which is in harmony with dominant attitudes' (Sellin 1970, p.6).

This paper will deal with the sociocultural approach to controlling violent crime in Buginese-Makassarese society. According to some studies (Nur 1982; Ishak 1985; Thontowi 1986; Ariyanny 1987), a considerable proportion of violent crime in that society flows from a particular sociocultural feature of the society, namely the phenomena of 'siri'.

'Siri' is best interpreted as the concept of honour, dignity, or reputation of a person and his family. If one's 'siri' is perceived to have been downgraded by

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conciliation between conflicting parties is available. If the case has been brought before the customary leader, the person who feels 'ripakasiri' is not allowed to take any action against the offenders until the dispute is heard. However, in the Makassar community the dispute is discontinued only if the offenders have sought asylum and have been granted protection by the customary leader and are on the premises of the protector. If the offender is outside the yard of the customary leader's house, the protection is no longer in force.

Intervention from the customary leader to the disputing parties is possible because both parties respect the honour ('siri') of the leader. However, if the intervention fails, or the disputing parties do not respect the leader's decision, it will be perceived by the leader as degrading his 'siri' and will cause 'ripakasiri'.

The customary leaders in the Buginese-Makassarese society are known as 'Pabicara'. Their tasks are to mediate between their followers and officials of the government, to arrange marriages, to conduct customary ceremonies, and to settle disputes. Unfortunately, the role of 'Pabicara' in settling disputes is not acknowledged in the Indonesian legal system. Moreover, at present there remains only a small number of 'Pabicara' who have authority through custom. Their role and position will not be replaced in the future because the influence of custom has faded (see, for example, Mattulada 1980, p. 106).

Even so the value of 'siri' still exists in the Buginese-Makassarese society because the value is transferred to the younger generation through the socialisation processes. However, observers believe that the 'siri' value which is still observed is distorted now the Buginese-Makassarese people are only acquainted with the 'siri ripakasir' rather than 'siri masiri', and disputes which now result in the use of violent conduct to restore 'siri' are not like previous disputes.

In comparing the Buginese-Makassarese with other sub-cultures where violence flows from their value system (see Wolfgang & Ferracuti 1970) there are similarities because of the readiness to use a weapon. In this regard, there is a traditional carved dagger which is almost always carried by the Buginese-Makassarese male, *the badik*. Because violent crimes in South Sulawesi almost always involve the use of the badik, between 1985 and 1987 the police in that area conducted operations to seize badiks from owners, sellers, and producers. It was expected that the operation would result in the reduction of violent crimes. In fact it did not. See Table 1 for the number of violent crimes and homicides from 1985 to 1989 in South Sulawesi and South East Sulawesi Police District.

Table 1

Violent Crimes—South Sulawesi and South East Sulawesi

Year	Violent Crime	Homicide
1985	110	214
1986	185	523
1987	176	244
1988	144	233
1989	78	210

(Source: Indonesian Police Headquarters, Center for Coordination and Operational Control).

The failure of the police operation was blamed on the defects in the operation itself, which did not consider the sociocultural circumstances which predisposed violent crime, that is the existence of the 'siri' value.

Sociocultural approach in controlling 'siri'

To run an effective sociocultural approach in dealing with 'siri', it should be based on knowledge of how the Buginese-Makassarese society operates. In this respect, a carefully planned research action is the answer.

The research program should be staffed by anthropologists, communication experts, psychologists, legal specialists, and criminologist-sociologists. The main goal of the research action would be to reformulate the 'siri' value into an acceptable value in accordance with the dominant attitudes. The program could be executed through the promotion of a non-violence value.

The first task of the researchers would be to identify sociocultural resources which can be utilised in the promotion activities. For instance they need to identify:

- who has the capacity to act as an agent of change if the customary leaders no longer exist;
- what kind of folklore exists which could be utilised for the transformation of new ideas;
- what, how, and by whom should the reformulation of the 'siri' value be carried out.

In these tasks, the anthropologists might take the dominant role.

After the sociocultural resources which can be utilised have been identified, the next stage is to plan what kind of communication can be used in transforming new ideas effectively in the community. It is important to investigate what circumstances exist in the community which might be helpful in this process. This stage is the responsibility of the communication scholars and the psychologists as well.

Finally, it should be determined in which area the program would be

executed, how long it should take, and when the local community would be involved. Since the results of the program would not be visible in the short term, they need to be determined by monitoring and evaluating instruments in the program's design. A control area also needs to be identified which would be used later in the measurement of the program effectiveness.

It is vital that researchers in the program act simply as facilitators who provide ideas to the local communities. Thus, it should be necessary to consider how we can ensure that the local community perceive that the program is based on their own activities, in their own interests.

Based on the empirical experience gained through the program, the legal experts could plan how the sociocultural values and customs of the local community could be adopted by the formal legal system in the conciliation process of dispute settlements. Finally, criminologists might learn the advantages and disadvantages of the sociocultural approach in dealing with crime which might lead to some useful proposals in criminal policies.

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Photo: John Grant

Arif Gosita*

The Prevention of Child Exploitation and Abuse: A Community Responsibility

Overcoming child exploitation and abuse and assisting its victims is a massive problem — a community and a world problem for which we have to mobilise funds and forces.

At the United Nations in New York on 30 September 1990, many state political leaders gathered at the World Summit for Children to make an urgent universal appeal — to give every child a better future. A declaration on the survival, protection and development of children was declared and a plan of action for implementing the world declaration in the 1990s was agreed upon. The Convention on the Rights of the Child provides a new opportunity to make respect for children's rights and welfare truly universal. Further attention, care and support should be accorded to disabled children, as well as children in very difficult circumstances.

The family, as a fundamental group and natural environment for the growth and well-being of children, should be given necessary protection and assistance. This will ensure the well-being of all societies.

Included in this declaration, there was, inter alia, a commitment that the signatories would work towards ameliorating the plight of millions of children who live under especially difficult circumstances — as victims of apartheid and foreign occupation; orphans and street children and children of migrant workers, displaced children and victims of natural and man-made disasters; the disabled and abused, the socially disadvantaged and the exploited. There was a further

commitment to special protection of the working child and for the abolition of illegal child labour. The declaration works to ensure that children are not drawn into illicit drug use. The declaration is intended for the present generation, and for generations to come. Indonesia is concerned with this human problem, and ratified the declaration. It is in accord with the Pancasila philosophy, the 1945 Indonesian Constitution and other regulations on social welfare.

In order to understand the Indonesian problem better, its geography and demography should be taken into consideration. In 1985 the population of Indonesia was 164 million compared with 147 million in 1980 and 119 million in 1971. Projections to the year 2005 indicate a further increase of 67 million to 231 million. In 1985 about half the population was under the age of 15. In 1990 the estimate is 183 million with 105 million under the age of 24 years. These population increases have led to changes in the socioeconomic setting and in the social policies affecting children.

A second major structural change to Indonesia is rural-urban migration. By 1995 there will be 73.5 million urban dwellers, or about 36 per cent of the total population. The urban child population aged under four years could reach approximately 9.6 million.

A third factor concerns the great and still growing level of unemployment and semi-unemployment (1.4 million in 1985). The proportion of labour force employed in the industrial sector will probably never increase and may even decrease in proportion to those in the labour force without the necessary skills.

Street Children in Indonesia

International Labour Organisation (ILO) convention no. 138 and recommendation no. 146 states that:

National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work, on condition that such work is not likely to be harmful to their health or development nor to prejudice their attendance at school or their participation in vocational orientation or training programs.

The Indonesian labour law, Act no 1/1951 is in accordance with this Convention and contains prohibitions against child labour: children under 14 years are not allowed to work; youngsters 14-18 years are forbidden to work in the evening, in mines and at other dangerous places. In Indonesia working children can, however, be found in some areas, for example:

- infants under five years of age are used by their parents to beg;
- children over five years of age, from under-privileged families, are obliged to beg or collect food leftovers;
- some children sell snacks, carry people's shopping bags and can often be seen in the rain carrying umbrellas for rent or helping to push stranded cars caught in the flood;
- there is a tendency to use children as unpaid labour in the rural areas, in agriculture or fishing, either in taking care of their younger siblings or working as servants or labourers;
- in cities children work in the services

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sector, as shoeshine boys; selling cigarettes, newspapers, food and drinks; as building labourers; in the manufacturing sector; and in other small scale industries.

Nationally, in 1985 there were 2.7 million children aged 10-14 and 6.7 million aged 15-19 years in the workforce. Of these, about 127,000 children aged 15-19 worked in city areas as pedlars, domestic help, barbers, etc. Street children are coordinated by the street pedlars organisation formed in September 1988 in Jakarta. This organisation has around 8,000 members whose daily income varies from Rp1,000 to Rp4,000*, depending on working hours, location, etc.

A survey conducted by the Social Research and Development Board (1988), revealed around 70 per cent of 7-15 year-olds had attended elementary school and 25 per cent had attended secondary school. The low level of education is a result of more than a third of the sample working to pay for their education as well as for the material benefit of their families. The survey showed that half were still attending school.

In Central Java, East Java, West Java and North Sulawesi 65 per cent of 7-15 year-olds are still in school, 57 per cent had received some education and 20 per cent had had no schooling. The children work only during the hours of daylight, and usually for no more than seven hours per day. Children employed in the sea-fishery industry work an average of three hours per day between 1 a.m. and 6 a.m.

These studies indicate children's status as a labour force. The financial circumstances of many families force children to contribute income for survival.



Arif Gosita
Photo: Barry Ellem

Improving the Lives of Working and Street Children

In line with the REPELITA V (five-years development plan), Indonesia recognised the magnitude of the poverty problem and the effort needed to reduce poverty. Indonesia is committed to growth and structural change with an emphasis on developing an efficient infrastructure necessary for sustaining a rapid rate of economic growth.

A number of poverty-related programs have been undertaken during the REPELITA V period, some new programs have been initiated and existing programs strengthened. The programs will:

- promote the even distribution of social and basic service;
- provide water to lower-income groups in rural and urban areas;
- stimulate development in poorer areas through a series of integrated area development projects.

The success of these important initiatives depends on the ability to identify the needs of the poor. Seventeen per cent of the Indonesian population have been classified as poor. Presently there are an estimated six million poor families in Indonesia. Based on an estimate of three children per family, the number of children in underprivileged families is approximately 27 million. Children from poor families make up the majority of the handicapped; the abused; juvenile beggars; and youth prostitution.

Basic needs indicators should be employed to identify the most needy children, guide the planning and delivery of services and monitor the situation of poor rural and urban children. The basic needs indicators are based on:

- geographic areas with a high number of children;
- areas where there is a lower than expected level of school attendance;
- city areas which are influenced by migration/urban growth with consequent inadequate housing and environmental conditions.

Children's problems cannot be solved unless their family's problems are solved. Children separated from their families have serious emotional and social problems. In the case of orphans, it is necessary to create families similar to normal families, either through institutions or foster parenting. In both cases the task is not only to care for and educate the children, but to make every effort to compensate for their loss.

Social rehabilitation is more complicated than physical rehabilitation and should be handled professionally. Children from families suffering from poverty-related psychological problems

tend to show a low intellectual level as a result of critical early childhood conditions in terms of health, nutrition and emotional deprivation.

As most street children belong to poor families, the introduction of poverty alleviation programs, as set out in the fifth development program is very relevant. These programs aim to increase the income of the family and to maximise the purchasing power of the available income through expenditure intervention.

A small scale credit scheme has been introduced for poor families to develop entrepreneurial skills in trading, industries and services activities.

Unequal opportunity to benefit from various services is a common phenomenon for the poor. In slum areas with no access to clean water, people have to buy water at higher prices than do residents who live in areas with piped water. The government is trying to bridge the gap by introducing additional water schemes.

The survival, protection and development of today's children is the pre-requisite for the future development of humanity. Empowerment of the younger generation with knowledge and resources to meet basic human needs and to grow to their full potential should be a primary goal of national development.

From the statistical data, it is known that 3.1 per cent of street children have never been in school, and 71.3 per cent do not proceed past primary school. However, 72.5 per cent of parents of street children are conscious of the importance of their child's education.

Special programs have been introduced for street children. PAKETK EJARA and PK3 (non-formal education) are educational tools that can enhance knowledge and improve working capability, such as home industries, small scale trading, agriculture, mechanics, etc.

Community (Peer Group) Approach

Peer relations play a meaningful part in the development of children. A child with the ability to cooperate, discuss and plan action with others is likely to be popular and rated as competent in peer leadership, self-reliance and ability to get along with others.

A special action plan needs to be introduced to working and street children through peer group intervention in the form of 'KARANG TARUNA' programs. The programs and activities are coordinated through LKMD (village development council) to enable the younger generation to participate in planning and implementation of cooperative development to support their vocational and technical skills, their income earning/income generating

* A\$1 equals approx 1500 rupiah

activities and their sport activities.

There are additional development-oriented programs such as:

- assistance for the victims of natural disasters;
- assistance for the families of the independence war heroes;
- coordination of the welfare of isolated communities;
- coordination of youth activities;
- social and guidance coordination;
- coordination of the community's role through community social workers and other programs.

These programs, implemented via the Department of Social Affairs, are in the form of development projects, and are mostly focused towards the underprivileged.

Programs are not dependent on the government budget alone. Apart from the routine and development budgets, community participation through local organisations plays an important role in the operation of programs or financial support for the underprivileged.

International bodies like WHO, ILO, UNESCO, UNICEF, and UNDP, assist in refining and complementing the operational mechanism, and the management of existing social organisations. In addition, several other foreign bodies like USAID and OECF, provide invaluable assistance in the funding of programs.

Supporting Laws and Regulations

In Indonesia, the basic design for social welfare development is founded on the principles of the Pancasila philosophy, the 1945 Constitution, and on the operational principles of the Guidelines of the State Policy.

In the 1945 Constitution, a number of articles oblige the state to create social welfare based on social justice. They are as follows:

Article 27 par.(2): Every citizen has the right to obtain decent employment and live in accordance with the standard of humanity.

Article 34: Poor and destitute children shall be taken care of by the state.

Article 31 par.(1): Every citizen has the right to obtain education.

Article 33 embodies the characteristics of social justice and humanity in social as well as public life.

As a further interpretation, the conceptional principles of social welfare development shall be enhanced by various laws and regulations to be used as:

- the legal basis for the implementation of social welfare efforts in Indonesia;
- directives for the government in setting up policies for the

implementation of general administration tasks and the efforts of social welfare development;

- supervisory means on the implementation of social welfare efforts undertaken by the government as well as by the community.

The operational principles, comprising of laws and regulations on social welfare, include among other things:

Laws

- a. Act no 1/1951 re Labor Law
- b. Act no 6/1964 re Basic Stipulations on Social Welfare.
- c. Act no 9/1976 re Narcotics.
- d. Act no 4/1979 re Child Welfare.
- e. Act no 2/1989 re National Education System
- f. Act no 8/1981 re Criminal Procedure
- g. Act no 1/1946 re Criminal Law (1918)

Government Regulations

- a. Government Regulation no 31/1980 re Care of the homeless and beggars.
- b. Government Regulation no 42/1981 re Social Welfare Services for the poor.
- c. Government Regulation no 2/1988 re Child Welfare Services for Children with Problems.

Presidential Decrees

- a. Presidential Decree no 39/1983 re Coordination of Social Welfare Efforts for the Handicapped.
- b. Presidential Decree no 40/1983 re Coordination on the Care of the Homeless and Beggars.
- c. Presidential Decree no 36/1990 re Ratification of the Convention on the Rights of the Child.

Nevertheless, the operation of the programs is still affected by the lack of sufficiently qualified personnel, which results in unprofessional field coordination and management. Consequently, scholarships or other training, further education, personnel exchange and research all need to be introduced. However, perhaps the most important factor is to bring about a sense of responsibility in the community. This is vital if we are going to cope successfully with the problem of crime prevention and the just treatment of offenders and victims.

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Photo: John Grant

Invisible Victims in Indonesia

The expression 'invisible criminal' is not found in criminology. However, I propose to use this expression in connection with the changes resulting from the advancement of science and technology, and with the collapse of values, in social, moral, and even in religious spheres.

From the perspective of criminology, criminals do not want to be left behind by the changes and challenges of the age; they jealously join the race with the law. This race becomes worse if the criminals cooperate with the authorities, with resultant abuse of power in our community. In this context, the authorities are controlled or even steered by the 'invisible criminal'. This invisible criminal, if seen through everyday spectacles, is an honourable citizen who rides in stylish cars and uses expensive perfume. And on his study table stands in an expensive frame a photograph of him together with authority figures, as confirmation of his special status, which would discourage tax officers.

The justice authorities seem to be hypnotised. They claim that there has been only one real case of pollution — the Sidoarjo's case — because this one was brought to court. However, the court dismissed the case. Meanwhile the situation regarding the Surabaya river, which may be approaching the severity of the Minamata affair in Japan (see separate section in this article), is almost disregarded.

Likewise, the case of the Indorayon Utama factory in North Sumatra, where the stench of pollution can be smelt 40 km from the factory, is belittled and the local people's concern is not given proper attention. The Association for Studying and Developing the Community (KSPPM) in Siborong-borong, North Sumatra, which has been officially established, is not allowed to operate any more by the local military district head.

It has also been said that the Bengawan Solo river has been so heavily polluted that it needs to be rinsed with

Even after death, we will remember what you have done to us.

W. Eugene Smith and Aillen M. Smith, *Minamata*.



Anthony Bottoms, J.E. Sahetapy and Mardjono Reksodiputro
Photo: Barry Ellem

The cats that are lazy don't realize the dirty rats.

They come to terror.

Being smart and false.

The rats behave disgustingly.

Probably because the cats pretend not to see.

Iwan Fals (Indonesian Folk Singer)

the water from the Gajah Mungkur reservoir (*Surabaya Post Daily*, 3 September 1990). Evidently 'pollution is continuously threatening us' and 'poisonous elements are increasing' (*Jawa Pos Daily*, 31 August 1990). In *Jawa Pos* it is further stated that 'at least 62 industrial enterprises in and around Surakarta have been throwing their waste water into the Bengawan Solo river and polluting the water'. In Jakarta, the Governor has twice expressed his annoyance because factories are throwing their waste water into the Krukut river (*Merdeka Daily*, 8 September 1990).

The *Suara Pembaruan Daily* (10 September 1990) reported: 'The pollution in the Mahakam river and Karang Mumus river is becoming more and more alarming'. The list of pollution incidents will not stop as long as the press is given the freedom to report about it.

It seems that law enforcement officials have forgotten the statement in Statute No. 14/1970 that besides upholding the law, we must also honour justice. Therefore the classical idea that the law must be just, needs to be questioned. In the case of Sidoarjo and Indorayon

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Utama, for example, it can be seen clearly that the law seems to be upheld but justice is disregarded.

It is no wonder then if people ask: 'Have the police and the public prosecutors carried out their duties well? We observe from the cases mentioned that:

- the criminal law has been dominated by the administrative law with undesirable consequences;
- it is essential for the definition of a criminal act in the law of environment management to be reformulated in a more exact and accurate way so that a meaningful law can be proposed;
- if this cannot be done soon, the police and the public prosecutors ought to use the law for economic crimes in facing the problems of pollution of the environment.

'Invisible criminals' seem to be a specific phenomenon of the end of the twentieth century, and if the problems they cause are not handled strictly and immediately, they will become worse. Some may think that these 'invisible criminals' look like what Sutherland labelled 'white collar criminals' and, from a certain point of view, the opinion is not totally wrong. If we consider, however, their influences and their practices, and if we place them in the context of the new phase of accelerating economic development in which people expect to enjoy justice and prosperity, these 'invisible criminals', take on a new dimension.

In listing some of the more egregious examples of environmental pollution, I would like to refer to the report of the Communion of Churches in Indonesia (1989). This report specifically mentions the following instances, as well as several others:

- pollution in Porsea resulting from the establishment of a pulp and rayon factory, and forest-stripping;
- increasing unfertile soil and other environmental consequences resulting from forest-stripping in Kalimantan — funds designated for replanting of trees have disappeared;
- disturbance of the ecosystem in Maluku resulting from forest-stripping carried out to provide raw materials for plywood factories;
- lack of environment awareness everywhere, accompanied by the high use of plastic and tin wrappings which cannot rot, thus increasing environment pollution;
- the desire to accelerate the production of agriculture has stimulated the excessive use of pesticides, which threatens the lives of other creatures, including human beings, through the pollution of ground water;

■ products rejected overseas as having undesirable qualities are freely sold in Indonesia;

■ most projects, with complete infrastructures, are concentrated in Java, which causes urbanisation to increase and causes the construction attempts in regions outside Java to be neglected, especially because the best experts are gathered in Java.

'Invisible Victims'

We will not find the expression 'invisible victim' in the terms of victimology either. In prostitution, for example, there is an opportunity for the prostitute to choose to enter a business arrangement with the client: the woman is willing to render a service and the man is willing to pay the fee. In the context mentioned above, we can say that there is an agreement between both parties — between the criminal and the victim, if we insist on using the term 'victim' for this case.

In the case of the 'invisible victims', by contrast, there is no agreement at all. The 'invisible criminals' pretend not to know that there will be victims at all. In the case of Minamata, the Chisso company did not want to know or pretended not to know anything about 'victims', although the first clear case of what became known as 'Minamata disease' was reported in 1953. The Minamata affair is cited here as an example and warning about how dangerous such a negligence can be if a government does not take drastic action.

It should also be mentioned here that in the United States, Congress and the individual state legislatures have created thousands of new laws concerning the environment. And in handling dangerous environmental pollution, the 20,000 attorneys, who specialise in environmental law, have become some of the most sought after professionals in the United States. Furthermore, *Time* magazine of 12 March 1990 reported that 'the Justice Department now has twenty full-time lawyers working on such prosecutions, backed up by U.S. attorneys and FBI agents across the nation, plus fifty criminal investigators at the Environmental Protection Agency'. It is indeed an example which should be given proper consideration.

We need to be aware that people's health is a precious asset of any country. What will happen to Indonesian people who cannot afford to have mineral water, which is in fact more expensive than gasoline? It is a fact that ordinary people drink water processed from the water of the Surabaya river which may have been polluted by industrial and domestic wastes. Even though the authorities say that they continuously monitor the pollution, the anxiety does not leave the people. In Surabaya you can see with your own eyes on certain days of the week, great amounts of foam in the river.

The evidence of pollution speaks for itself, although there have been inspections carried out.

It is vital that we should be very cautious and should learn from the Minamata case. From this affair we learn that even experts and scientists can be silenced. The Government of Japan in fact warned the fishermen that they might get nothing if they did not accept Chisso's offer promptly. It seems that even the Government of Japan could be steered by the 'invisible criminals'.

'Invisible Crime'

Two expressions are called to mind when considering the phenomenon of 'invisible crime' — 'water never flows upward except when it is forced by a pump' and 'big dogs won't bite one another'. Together, these sayings go some way to explaining why most prison inmates come from the lower class of society. Those few from the upper class of the society have either committed such heinous crimes that they are intolerable to their friends, or alternatively they have been sacrificed by their friends because of the need for a scapegoat.

About 18 years ago, in a scientific lecture in the Faculty of Law in Airlangga University, I tried to describe a profile of a white-collar criminal. I wrote that '... many criminals of this time wear expensive suits and ties, seem to be obedient to the law, eager in giving to charities, and if necessary, become members of well known social committees, riding in luxurious cars, carrying out hidden crimes behind beautifully arranged speeches and politeness. They do not come from the poor and unrefined class of the society, they do not have large muscles like common gangsters according to Lombroso's picture of criminals. They often have handsome faces, their wives are generally beautiful, but they are 'saloon robbers' who are as wicked as robbers and murderers, but use other methods.

While for white collar criminals I use the term 'saloon robbers', for 'invisible criminals' I use the term 'mass murderers'. If we seriously study the Minamata affair, for example, we will find how horrible and terrifying the consequences of their actions can be.

The Minamata Affair

The Minamata affair was not only horrible and terrifying, but also very poignant. The people of Minamata were fishermen who lived peacefully and tranquilly. Their lives were transformed with the establishment of the Chisso Corporation, which had begun as a carbide and fertiliser company (in Japanese, 'chisso' means nitrogen), but by this time was a petrochemical company and a maker of plastics.



Photo: Barry Ellem

The people of Minamata began to suffer from a strange disease which caused brain damage. Eugene and Aileen Smith explained the phenomena of the Chisso-Minamata disease as follows: 'The nervous system begins to degenerate, to atrophy. First, a tingling and growing numbness of limbs and lips. Motor functions may become severely disturbed, the speech slurred, the field of vision constricted. In extreme cases, the victims lapse into unconsciousness, involuntary movements, and often uncontrolled shouting. Autopsies show that the brain becomes spongelike as cells are eaten away' (Smith & Smith 1975).

At first this strange disease was thought to be infectious, but even cats died after eating the polluted fish. Early in 1956 the 'strange disease' took on the proportions of an epidemic, and finally became known as 'Minamata Disease'.

By July of 1959 a group from Kumamoto University reported that organic mercury was the cause of the disease. Many independent committees were formed. One met only four times, then mysteriously disappeared. It had been sponsored by the Japanese Chemical Association, of which Chisso was a member. Another committee reported bluntly that the cause definitely was mercury poisoning, and was disbanded the next day. Chisso used many cunning methods to show that it really would clean industrial wastes, even though in fact it did not hesitate to bribe, buy, or silence experts and scientists. However, the truth could not be hidden indefinitely and finally, the Japanese Government has to admit the bitter reality.

Tackling Pollution in Indonesia

In April 1988 in Jakarta, the Minister for Population and the Living Environment stated that '... the community needs to be involved actively in questioning pollution cases to bring forward suits to court'.

Can this good suggestion function in the 'soboral' (an Indonesian acronym for social values, civilisation aspects, and structural factors) existing in the Indonesian community? Last year, Minister Emil Salim from the Department of Population and Living Environment named three large industries which had been polluting the environment — violating the Government's regulation. One of them had also been logging forests arbitrarily. People wonder: 'If the Government can't take proper actions against such violations, then who can? As already mentioned, the Association for Studying and Developing the Community (KKSPPM) in North Sumatra, which had been unyieldingly fighting for the people's rights, was silenced and its activities were stopped by the local military district. This fact is surprising, ironic, and frightening.

Development of this country, especially the process of modernisation, will sooner or later bring with it unknown and unexpected consequences. Especially in Third World countries like Indonesia, which is working hard to establish a just and prosperous nation, development should emphasise improving the welfare of the people without causing the people to suffer. Development should not bring prosperity to only a part of the nation, but it should enrich all the people.

Our government has been working hard to improve the people's welfare, but

this will not mean much if the people then suffer because their health is damaged by environmental pollution; especially at present, when there is not yet any law which can strongly support a 'class action' nor do we know if financial compensation can be claimed for the people who have been injured by the consequences of environmental pollution. It seems that the people's welfare in connection with environmental issues is not regarded seriously.

Does environmental pollution disturb the Surabaya, Wonokromo, Awung, Jagir, and Brantas rivers only? The *Suara Pembaruan Daily* of 29 October 1988 reported, among other things, that 'the attempt to overcome pollution in the Bekasi river has not succeeded so far. The water of the river is still dark and bad-smelling, so it was said by the people who live along the river-side ...' It was further stated that '... they not only suffer because the water cannot be used for washing and bathing, but also because there are no fish any more ...'. The regional Government of Bekasi has been asked to sue the owner of the industrial company which causes the pollution, but that has not yet happened. The *Kompas Daily* of 25 February 1989 spoke along the same lines: 'If not regulated, the tin mine in Bangka can pollute its environment'. I cannot list here all the reports about acts which, recognised or not, will ruin the country's future for the sake of the prosperity and greed of a few immoral people.

Can action be taken to save these rivers? Environmental pollution does not only happen in Java. The case of the Cavenagh river in Singapore is a very pertinent one for our purposes. This was an extremely polluted waterway running through the centre of Singapore. In the mid seventies, the level of pollution was such that the Government of Singapore decided to take dramatic action to clean up this mess. Within ten years the stinking water, junk and garbage had all gone. The clean river is now a national asset, which has become a recreation facility, and moreover it has a social and cultural function for the present and future generations.

Appeals to the people during political campaigns become empty slogans. Beautiful promises are just lip-service. So it is not surprising that the newspapers only supply news about 'days of empty speeches'. The social gap, about which President Suharto has given many warnings, is answered by sharing only one per cent of the profit for the people's cooperation. It will do no good, if one hand gives honey while the other hand gives poison in the shape of environmental pollution.

□ continued on page 14

Corporate Crimes in East and West: In Search of 'Collusion'



Grat van den Heuvel
Photo: Barry Ellem

This article examines some recent trends in the study of governmental control of corporations in East and West. Governments in East and West make themselves strong for better deterrence, but at the same time their controlling agents 'collude' with the organisations they have to control. This collusion is not identical with bribery, fraud or corruption. It comes ahead and facilitates them. It is a basic requisite for certain types of corporate crime. For insiders collusion is a normal interaction pattern. Its undemocratic character is not seen by the participants as a signal of its potential danger: on the contrary, it is seen as an opportunity structure. Comparing cases from East and West, one lesson seems to be that collusion is a universal phenomenon, posing the classic question of democratic power: who controls the controllers?

Criminalisation and cooperation

Since Sutherland's study of 1983, we know it is difficult to control corporate crimes by criminalisation.

In the 1970s interest in corporate crime shifted from the offender to the offence, and from the offence to the organisation and the consequences. Crimes in and from all kinds of organisations were described, but in regard to only one aspect there was harmony: direct criminalisation does not work to control corporate offenders. Better results are achieved with administrative rules and measurements which are made in close cooperation with the involved organisation or industry (Reiss 1984, Hawkins 1984, Grabosky & Braithwaite 1986).

A fundamental difference between control by 'criminalisation' and control by 'cooperation', is the relationship between industry and the controlling agency (Stone 1980). In the case of

criminalisation, the controlling agency is formally a higher authority that can enforce obedience. This relationship is ultimately based on mutual distrust. In case of cooperation, two equal-level authorities are working together for a common purpose, based on mutual trust. The government agency and the representatives of the industry or organisation together make the new regulations and its control structure (Kagan & Scholz 1984).

A prominent protagonist of the cooperation approach is Braithwaite. In 1982 he suggested government-enforced 'self-regulation', whereby all organisations would be required to file, and have approved, their own proposals for policing potentially troublesome areas of operation (Braithwaite 1982). A year later he elaborated his idea with a model of 'informal social control, restraint by means other than those formally directed by a court or administrative agency' (Braithwaite & Fisse 1983), and in 1988 he spoke about a 'Benign Big Gun Theory of Regulatory Power' (Braithwaite 1988). This describes the whole field of influencing industrial behaviour, starting with the request for self-regulation and informal control, via official warnings, and compulsory civil charges, up to criminal prosecution with mandatory sanctions ranging from prison sentences for executives to removal of the operating licence and plant shutdown. Here criminalisation is really the 'ultimum remedium', if nothing else works. To strengthen this Ultimate Remedy he pleads for the use of police covert facilities as a strategy for combatting corporate crime and rectifying the structural injustice between tough criminal enforcement against blue-collar criminals and the relative immunity of more powerful and elite offenders (Braithwaite, Fisse & Geis 1987).

Critics make sense but they do not start from a practical level but from normative conceptions about the Rule of Law, Full Democracy and the Division of Powers. For them all types of cooperation between state and industry are suspect. They ask for strict and independent control agencies armed with repressive

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authority. The cooperation paradigm, as a workable solution to redress this type of crime, cannot work satisfactorily for the simple reason that it lacks control and facilitates unlawful behaviour. It is like asking the thief to steal half as much, in exchange for an honourable place in society.

The control theory based on criminalisation and with distrust towards cooperation between state and industry recently received an unexpected, strong empirical support. The following examples, from East and West, show why.

United States of America

The federally insured Savings & Loans (S&L) system was established in the early thirties to promote new house building during the Depression and to protect financial institutions against the chaos that followed the panic of 1929. The Federal Home Loan Bank Board (FHLBB) was the primary regulatory agency.

In 1985 the FHLBB delegated to the district banks the task of examining and supervising the S&L industry within their regional jurisdiction. So before, as well as afterwards, the FHLBB and the district banks had a double function: both to promote and to regulate the S&L industry.

However, after restrictions were cut on interest rates, and deregulations concerning consumer, commercial and industrial loans moved the S&L industry towards the money speculation market, the resulting S&L fraud reached epidemic proportions. Systematic embezzlement of company funds became company policy, allowed by the controlling agencies. Deregulation permitted the entrance of the S&L industry into the casino-economy. In contrast to industrial capitalism, where profits are dependent on production and sale of goods and services, profits in finance capitalism increasingly come, as one commentator has put it, from 'fiddling with money'. Corporate takeovers, currency trading, loan swaps, land speculation, futures trading — these are the 'means of production' of finance capitalism. Only one thing is missing: nothing is being produced but capital gains.

Indonesia

The deregulation of the Indonesian financial business, started in October 1988, occurred at the request of the business itself. It had some similarities with the S&L deregulations in the USA, the aim being to obtain more opportunities in the 'casino' economy of finance capitalism. The new rules made it easier to lend money to entrepreneurs and industry and it became easier to start a bank. But as in the case of the S&L industry, the result was an increased

inflation rate (with 20 per cent the highest in Southeast Asia), and the growth of risky money and high risk investments.

Another similarity with the S&L case concerns fraud. Personal profit by abuse of power is commonplace in developing countries (Clinard & Yeager 1980), and in this case clearly inherited from the former colonial state. But that does not legitimise it. It is a social disease difficult to tackle by the government because the banking industry facilitates it (Thee & Kunio 1987).

Discussion

In both cases the controlling agencies realised that deregulation was in favour of the organisation. They knew lenient, new rules create hidden agendas, hidden opportunities, and provoke some unlawful behaviour. But they believed in it, for the best interest of the organisation. Why? Because they are part of the organisation (Silbey 1984). In both cases the new rules were prepared in close cooperation with the banking organisation.

The administration considered it normal to involve the organisation by regulatory measures. The FHLBB was dominated by the organisation, and also in the Indonesia case the organisation made the initial proposals for deregulation. The central authority was incapable of keeping control. The authority and its administration, were dependent on information controlled by the organisation itself.

For these insiders, however, there was no control-problem at all; the relationship between State and the organisation was based on harmony and mutual understanding, but it has its own hidden agendas in favour of new opportunity structures for the private business on certain issues. The administration had no problems with that for two reasons. First, the victim was anonymous: if by chance things went wrong the damage was suffered by the state or the tax-payer — which looks like harm to nobody. Secondly, there was the genuine impression that the success of the enterprise was in the best interest of the national economy as a whole. And, of course, they trusted the members of the organisation.

The crucial concept in the discussion here is not 'cooperation' in general, but a very special type of cooperation, namely 'collusion'. It is only where cooperation shifts into collusion, that the borders of justice are crossed. Let us reconsider some particular dimensions of that shift into collusion.

Legitimation

In general, cooperation can strongly assist the creation of an attitude of acceptance by those involved: it can legitimate. To get things done — for example, new regulations for industrial environmental behaviour — one has to

convince industry and to negotiate with them. That works best in an atmosphere of cooperation (Braithwaite 1984 & Clarke 1990). Only then are these regulations legitimised by those whom they concern and only then can the agency tackle the incidental violator. Then the agency has authority in the organisation. In the same way, the desires of the organisations are worked out, for instance in regard to deregulation. Here legalisation of authority is indirectly involved, in a negative way. Deregulation means a decrease of legitimised state control.

I believe the deregulation in neither of the two cases cited was set up maliciously, with clear criminal purposes in mind. In both cases it was carried out in the best interest of the economy as a whole, and the banking industry in particular. But afterwards it became clear they were the cause and the core of serious corporate crimes; only afterwards is it clear that their cooperation was collusion.

Normality

This brings me to a second aspect concerning the shift into collusion. Collusion or collusion-like cooperations seems to be, sociologically speaking, a rather normal phenomenon in the cooperation between state and industry. The relationship has, so to say from its own nature, a tendency towards collusion. That tendency on its own is a symptom of having a good relationship. Of course, what is normal or good for the relationship does not mean good for public interest or the nation.

In disregard of all this, the Ministry of International Trade and Industry (MITI) supported Chisso all those years. MITI helped to cover up the truth and to blame the victims. People died, fishermen lost their jobs but the MITI continued their support of Chisso Industries. The company disregarded juridical decisions and tried several times to influence the public prosecution. In his book *Law and Social Change in Postwar Japan*, Frank Upham (1987) explains how MITI constantly maintained the pattern of bureaucratic concern for the preservation of the procedural informality in the face of judicial intrusions, in favour of Chisso, but not 'why'. Even the verdict of the supreme court, which blamed MITI's decisions, was interpreted by the MITI employees themselves afterwards as at least a support of their informal policy as strategy in general.

The interdependency between state regulators and private enterprises was considered a natural fact, so obvious that the participants believed in it as a good per se. No one saw the risks of violating public interest. As said before, the interest of the organisation is for many administrators identical with the public interest itself, but in this case they went far beyond that.

East and West, Parallels and Crosslines

Modern organisational literature likes to stress the differences between East and West, but I find, in this respect, mainly similarities.

Where things went wrong, collusion was involved. It seems to be the central theme that occurs world-wide, if one investigates all the different patterns of serious corporate crime. There remains the question, are there any differences between East and West?

Cooperation between organisation and administration, including collusion-like agreements, is normal in eastern societies. It can even be argued that the well being of the society is based on these agreements and ties. This is not a new phenomenon — Japanese society was built upon it. Japan is also from a historical perspective a corporate society. What about the secrecy, that criminal landmark of collusion, wasn't that wrong? No, the idea of a public sphere as an open forum does not exist. If citizenship is a group phenomenon, more than an individual phenomenon, the information and its control problem shifts from the individual towards the leaders of the groups. That is Japanese reality. I use Japan only as an example: the same elements can be found in Malaysia, Korea, Indonesia and other countries (Clad 1989, Dewantoro 1967).

In the West, that dimension of 'normality' seems to be lost. Collusion is wrong, it undermines the Rule of Law. But it exists to the same extent as in the East. In other words, as a phenomenon it is universal, which is an important conclusion if one faces the disasters which it can create. Of course, in Japan as well as everywhere else, the damage collusion can create is regretted, and felt as injustice, but this feeling seems differently interpreted, on face value, in East and West. In the East a good system had failed, in the West a bad one. But more important for both parties, the quality of authority is damaged. That's a second universalistic phenomenon. What about the consequences? In the West they want to restore this damage by measures and a stronger quest for control, in the East they want better leaders who will not disappoint them in their leadership. There is, on face value, a strong difference here too, but if we look behind the measures and controls in the West, it is ultimately there a matter of better and more responsible leadership as well.

Democracy can be considered as a goal and as an instrument. Democracy as a goal ends up in self-governance, full citizenship and small is beautiful. Democracy as a set of means serves the quality of leadership over a pluralistic society. Every nation uses both functions in its own mixture. In general the Western countries like to use more symbolic goal

functions in their rhetoric, whereas Eastern countries prefer the instrumentalist use. But fundamentally the political elite in both choose a pragmatic approach where democracy serves the economic well-being of the nation and their people. This explains why face value differences work out similarly in their consequences.

I admit Braithwaite was for me the most inspiring guide. Although he mentions nowhere the collusion phenomenon in particular, he brought me to put this phenomenon at the core of the corporate crime issue. I believe that the sociology and psychology of collusion (between public and private enterprise) in East and West, can take us further towards a better understanding of the problems of controlling structural corporate and governmental crimes.

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Invisible Victims in Indonesia

continued from page 11

Conclusion

This paper cannot of course cover all cases of environmental pollution in Indonesia. Through the cases which have been discussed, however, it is hoped that those who have the responsibility to take care of the people's welfare will be moved to take the measures needed to prevent the continuance of environmental pollution.

The writer hopes that this description about the 'invisible criminals' and 'invisible victims' may give a sufficiently clear picture, to motivate us to develop our talents and to fulfil our responsibility not only to our children, grandchildren, and to our country, but especially as people who have faith in God, to the Creator of the universe who has shown His mercy and love to our fertile and prosperous country.

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Crime and Victimisation of the elderly in Japan



Koichi Miyazawa

Japan's Ageing Society

According to the *White Paper on Criminality 1989* (p.76), 8 million, or 8.7 per cent of the Japanese total population of 92 million, were 60 years or older in 1959. This had increased to 16.9 per cent in 1989. By the beginning of the 21st century the elderly segment of society is expected to exceed 25 per cent.

Crimes of the Elderly

In 1989, the number of elderly individuals apprehended by the police stood at around 12,000 or roughly 3.9 per cent of the total of around 310,000 apprehended. This number is low compared to the percentage of the elderly in the total population, but represents a remarkable increase over the 1977 rate of 3 per cent.

Offences most often committed by the elderly are property offences, for the most part theft, followed by embezzlement and fraud. By sex, women overwhelmingly — at over 92 per cent — commit theft. Among men, theft accounts for 63 per cent, with fraud and embezzlement being relatively higher.

As far as the proportion of elderly offenders in the respective crime categories is concerned, the highest is found in murder/manslaughter, although the actual figures are very small. This result might be because of a high number of attempted murder/manslaughter and attempted double suicides in which only one partner succeeds. By sex, males represent 4 per cent compared to 7.7 per cent female of elderly offenders.

Theft shows the second highest proportion of elderly offenders. Breaking and entering, which require some skill and physical agility, represents only 1.3 per cent of the elderly, while shoplifting and bicycle theft, offences which can be

committed with relative ease, comprise a relatively high proportion of elderly offenders.

Treatment of Elderly Offenders

Police statistics contain no age categories but the fact that more than 90 per cent of the shoplifting, as well as bicycle theft, cases are dealt with without detention indicates that a large proportion of the offences committed by the elderly are disposed of without trial.

In 1989, 124,000 criminal code offences were dealt with by indictment or suspended indictment with elderly offenders accounting for 3.7 per cent. In total, the rate of suspended indictment was 35.8 per cent. The corresponding rate for elderly offenders, however, was much higher, that is 50.6 per cent. For 31.2 per cent of males, indictment was suspended, compared to 42.8 per cent of elderly offenders. For women, the rates were 72.4 per cent in total and 80.3 per cent for the elderly. Suspended indictment is applied to elderly offenders, and especially to women, to a great extent.

In 1988, approximately 43,000 individuals were found guilty in a trial at a district or summary court. Of these, 1,338 or 3.1 per cent were elderly. This ratio has also been increasing gradually.

Among the almost 24,605 new convicts in 1989, 849 or 3.5 per cent were elderly. In 1967, the elderly accounted for 1.3 per cent and in 1977, for 1.4 per cent. The changes for elderly female new convicts are especially noteworthy. Twenty years ago, they accounted for 2.2 per cent and reached 3.9 per cent in 1986.

Elderly convicts, in accordance with their physical and mental condition, are given special consideration in their treatment and, if necessary, are subject to a reduced workload or undergo

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medical treatment.

In probation and parole as well, the ratio of the elderly has been increasing steadily. A recent problem is that the increasing number of released elderly prisoners have no place to live and therefore have to enter welfare institutions. Thus, the resocialisation within society of elderly ex-convicts without any family ties is faced with numerous obstacles.

Crime Prevention and Resocialisation among the Elderly

Offences committed by the elderly are minor and for the most part property related. While large scale embezzlement and fraud also occur, these offences are limited to a small number of offenders who were able to take advantage of their social status and position. The majority of offences committed by the elderly, such as theft, involve items of relatively low value and take place in the close environment of the offender amidst a life of narrow confinement. Frequently reference is made to the prevalence of sexual offences, especially child molestation, among the elderly. This assessment, however, can probably be attributed to prejudice or misinterpretation rather than actual fact.

Why do the elderly turn to criminal behaviour?

- The elderly's social life diminishes against their will, which leads to resentment, and may lead to economic and psychological deprivation.
- The elderly, still in possession of their physical and psychological capabilities, have to maintain a way of life appropriate to their age. However, if the loss of work due to retirement is not compensated for by another energy outlet, this energy is directed towards deviant behaviour.
- Those with a long criminal career and a history of recidivism, who have been alternating between life in prison and outside, have lost contact with their families and in their old age are without any social ties. These individuals face numerous problems when released into society. Women offenders, in particular, have little chance of resocialisation as they increasingly have no relatives to fall back on once they reach middle age.

Victimisation of the Elderly

There are few data available on elderly victims of crime. The mass media frequently report on large-scale fraud cases involving elderly individuals living by themselves, particularly females.

In 1988, 1,632,795 criminal cases

involving damage to individuals were registered. Of these, 117,018 cases or 7.2 per cent involved elderly victims. The so-called intellectual offences (fraud, embezzlement and forgery) accounted for 123,675 cases. Of these 12,715 cases, i.e. 10 per cent, involved elderly victims. Thus, the proportion of elderly victims in this crime category is twice that for criminal offences in total.

Offences where the elderly are most likely to become victims are connected with unlawful business practices such as sales of counterfeit goods, multiple sales, investment fraud, etc.

This high level of victimisation might be due to two factors. The elderly, having deposited their retirement allowance and living off the interest, have a considerable amount of money at their disposal. In addition to declining health and reduced living options, the elderly are prone to feelings of financial insecurity, fear that inflation will diminish their savings etc. Furthermore, they often have no close relatives to turn to for advice.

Victimisation Prevention

To protect the elderly from fraudulent schemes, detailed preventive measures are necessary. Advancing urbanisation and industrialisation and the influx of new residents have weakened the feeling of community in residential neighbourhoods and diminished their informal crime control and mutual support function. This facilitates victimisation of citizens, especially of the elderly.

In order to protect victims, the following measures should be implemented.

- the creation of comprehensive crime prevention activities involving the residents in neighbourhood;
- local networks to distribute information and offer advice;
- a coordinating agency to analyse the accumulated data and distribute information on those incidents via a nationwide network (making use of counselling centres, consumer advice centres, neighbourhood crime control posts etc.) to citizens;
- special supervision, using high-grade information systems, of households with elderly and handicapped individuals living by themselves.

The prevention of victimisation among the elderly is not a problem of criminal policy alone. It has to be examined from all points of view that takes the welfare and safety of the population sufficiently into account.

Further, suicide among the elderly is a serious social problem. To solve this, policies that enable the elderly to lead a meaningful life by actively participating in society are needed.

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Hiroyasu Sugihara*

Legal Consciousness



Hiroyasu Sugihara

activities have an enormous impact upon such a society.

Consequently, informal control asserted within the family and local community, augmented by that manifested in work groups and other forms of private associations, have played a vital role in promoting and maintaining peace and order within Japanese society. Harmonisation and a well-balanced combination of formal and informal social control is a characteristic feature of the crime prevention mechanism of Japan.

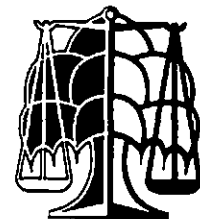
Values like personal dignity, morality in personal relationships and self-effacement and modesty for the sake of society seem to have prevailed over simple material interest on the part of individuals at least until recently. These characteristics have contributed to a social environment against crime and to a public attitude of paying respect to fairness and justice. Furthermore, the spread of education has advanced the social adaptability of the Japanese people as a whole. Socioeconomic development achieved after World War II has generally had a favourable impact on the prevention of criminality in Japan.

However, rapid economic development has brought about certain changes in the societal structures and living environment of Japan. A marked rise in the industrial activities of the secondary and tertiary sectors brought about corresponding changes in the population of industrial centres in comparison with rural areas and small cities and towns, nuclear families replaced extended families in the new industrial metropolises; rapidly advancing urbanisation has increased anonymity in the society.

Thus, strong ties and favourable relationships among family members and the community have been much weakened by the changes in society. It seems that modern education, which emphasises democracy and individualism, has begun to affect the traditional value system. Individual-oriented thinking is dominant among the younger generation. Japan is shifting from a group-oriented society to an individual-oriented one, although the

characteristic feature of the former still remains in many spheres of Japanese society. Such individualistic thinking predominant among young people may be of some implication in examining the legal consciousness of people in modern Japan.

My personal view is that in Japanese society materialism has gained overwhelming popularity over spiritualism which was of great importance in the decade before World War II. This is the result of advanced economic development which Japanese people successfully accomplished by their own efforts. Spiritualism is not necessarily more conducive to moral enhancement than materialism but excessive materialism may lead persons to commit themselves to money making, and ignoring or disregarding morality. Since Japanese society has reached a stage of affluence in terms of the variety and abundance of consumer goods, some of its members have revealed a weakened ability to distinguish their own possessions from those of other people, and so have committed property offences. The recent increase in stimulant drug abuse appears to reflect a pursuit of pleasure by those who have benefited from improving living standards.



THE INDONESIA SOCIETY OF CRIMINOLOGY
ASOSIASI KRIMINOLOGI INDONESIA

An overview on legal consciousness could be done only on the basis of thorough analysis of the social and cultural backgrounds and the criminal justice administration as a whole in the countries of the Region.

Accordingly, I will concentrate upon analysing the Japanese context with which I am relatively familiar.

The value system in Japan

Japan has been a densely populated country since its medieval period; a large number of people have lived on an island nation with limited terrain and generally poor natural resources. Those circumstances have generated in the Japanese people not only habits of diligence in all their endeavours, but also a highly-disciplined mentality; anti-social

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Table 1**How to treat Shoplifting by Junior or Senior High School Students**

(what would you think is the most appropriate measure to be taken, in general, for junior or senior high school students who shoplifted goods of about 5,000 yen in value)

Choices	Ordinary citizens			Prisoners			Family members of prisoners		
		Male	Female		Male	Female		Male	Female
Total	100.0 (2,392)	100.0 (1,067)	100.0 (1,325)	100.0 (2,648)	100.0 (2,537)	100.0 (111)	100.0 (727)	100.0 (206)	100.0 (521)
Giving Warning	19.5	21.9	17.6	38.9	39.1	35.1	16.1	17.5	15.5
Reporting to school authorities or parents	56.8	53.5	59.4	41.7	41.5	45.9	56.8	57.8	56.4
Reporting to Police	14.8	16.8	13.2	11.5	11.4	12.6	12.4	9.7	13.4
Adjudication by criminal court	0.8	1.0	0.7	1.1	1.1	0.9	0.4	1.0	0.2
Others	0.6	0.4	0.8	1.4	1.3	1.8	0.6	-	0.8
Do not know	7.4	6.4	8.3	5.4	5.4	3.6	13.8	14.1	13.6

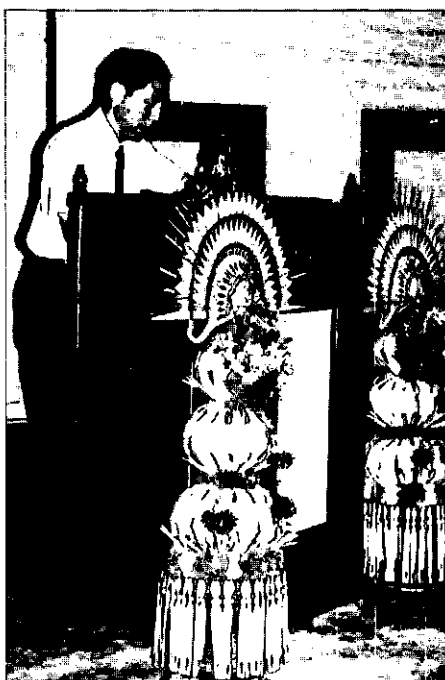
Note: Figures in parentheses show actual numbers

Source: The Public Opinion Poll, Prime Ministers Office for Ordinary Citizens: Research and Training Institute, Ministry of Justice for Prisoners and Family Members of Prisoners

The Japanese perception of crime and treatment of offenders

The Research and Training Institute of the Ministry of Justice, Japan, carried out research on such matters as the recognition, perceptions, and expectations, of people toward crime and treatment of offenders, as well as their evaluations of various agencies in charge of different aspects of criminal justice administration such as investigation, arrest, trial, and treatment. The research involved a public opinion poll in 1986, and a survey on the same subject with prisoners and their family members. In these three surveys, the following questions were asked.

1. Have you ever encountered any offences?
2. What ideas do you have upon the release or treatment of offenders, mainly for those who commit ordinary offences likely to happen nearby?



Hiroyasu Sugihara
Photo: Barry Ellem

3. What do you think about having the offenders' real names publicised?
4. What do you think about the roles of the agencies charged with administering criminal justice and their treatment of offenders?

A few examples of the evaluations and analyses of the results of these researches are given as follows.

Treatment of offenders

Shoplifting by juvenile delinquents

Larceny comprises the majority of juvenile delinquencies, among which shoplifting is the most common, accounting for 36.6 per cent of all larceny cases in 1986.

Table 1 shows the answers to the question 'What do you think is the most appropriate measure to be taken, in general, for junior and senior high school students who shoplifted goods of about 5,000 yen in value?'

When these answers are categorised into non-intervention of criminal justice agencies, and referral to the criminal justice agencies, non-intervention was chosen by 76.3 per cent of ordinary citizens, 80.6 per cent of prisoners, and 72.9 per cent family members of prisoners. Referral to criminal justice agencies was supported only by 15.6 per cent of ordinary citizens, 12.6 per cent of prisoners, and 12.8 per cent of family members of prisoners.

Violent acts of citizens

In this category there were mainly two opinions: a rigid attitude with a view toward eliminating violence; and a tolerant attitude which considered that any citizen has the potential of committing violent acts.

Table 2 shows the answers to the question 'What measure do you think

Table 2**Views on Dispositions Given to Those Who Acted Violently**

(The case of the person who struck a man with a beer bottle at a bar)

Choices	Ordinary citizens	Prisoners	Family Members of Prisoners
Total	100.0 (2,392)	100.0 (2,648)	100.0 (727)
Forgiving without punishment	21.7	54.4	33.1
Fine	27.0	22.6	17.6
Suspension of execution of sentence	17.8	8.2	10.3
Imprisonment	9.7	5.9	3.6
Others	4.3	2.0	2.9
Do not know	19.5	7.0	32.5

Note: Figures in parentheses show actual numbers

Source: The Public Opinion Poll, Prime Minister's Office for Ordinary Citizens: Research and Training Institute, Ministry of Justice for Prisoners and Family Members of Prisoners

Table 3

Expectation of and Reliance on Activities of Judicial Agencies

(Have crime control and apprehension of offenders generally been conducted well?)

Choices	Ordinary citizens		Prisoners		Family Members of prisoners		Male	Female
	Male	Female	Male	Female	Male	Female		
Total	100.0 (2,392)	100.0 (1,067)	100.0 (1,325)	100.0 (2,648)	100.0 (2,537)	100.0 (111)	100.0 (727)	100.0 (206)
Agree	33.6	38.4	29.7	31.2	31.7	20.7	30.5	45.6
Disagree	18.0	20.4	16.1	17.2	17.5	10.8	12.9	8.7
Undecided	34.1	31.8	35.9	38.7	38.3	48.6	23.2	24.3
Do not know	14.3	9.4	18.3	12.8	12.5	19.8	33.3	21.4

Note: Figures in parentheses show actual numbers

Source: The Public Opinion Poll, Prime Minister's Office for Ordinary Citizens: Research and Training Institute, Ministry of Justice for Prisoners and Family Members of Prisoners

ought to be taken, against a person who, in a bar-room quarrel with another patron, strikes his neighbour with a bottle causing bruising which takes 10 days to heal?

Twenty-seven per cent of ordinary citizens, thought it appropriate to fine the offender, and those who thought it appropriate either to 'suspend the execution of sentence' or to 'imprison him' after a formal trial accounted for 27.5 per cent of the total.

Judicial agencies

Table 3 shows the answers to the question 'Do you agree with the opinion that crime control and apprehension of offenders have generally been conducted well?'

The response given by 33.6 per cent of ordinary citizens was 'I think so', far exceeding those who responded 'I don't think so' (18.0 per cent). Thus, it may be inferred that people generally rely upon investigation agencies.

How to deal with offenders*Treatment of offenders*

Table 4 shows the answers to the question 'How do you think offenders should be treated?'

All three categories of respondents most frequently chose 'Sympathy is necessary as well as severity' followed by 'severity is most effective'.

Offenders' names in the media

Table 5 shows the answers to the question 'What do you think about the media's reporting the real names and photos of criminals, together with their residence and criminal records?'

If the responses, 'As a matter of course', 'Not to be avoided' and 'Not to be allowed about residences and criminal records were counted as approval of usage of real names in media reports, 76.4 per cent of ordinary citizens, 65.85 per cent of prisoners and 49.3 per cent of family members of prisoners approved.

The death penalty

A nation-wide poll in 1989 inquired into whether the death penalty should be

abolished or retained. The results of the survey show that 'those against the abolition of the death penalty' constituted 66.5 per cent, 'those in favour of the abolition', 15.7 per cent and 'unable to answer', 17.8 per cent.

Legal consciousness of Japanese people

Although it would be very difficult to give a general explanation of the Japanese people's legal consciousness, several characteristics seem to emerge from the survey.

Law abiding spirit

General speaking, Japanese people are accustomed to group-oriented behaviour and thinking, and attach importance to the families and communities to which they belong.

In Japan, the majority of workers are permanent employees and the life-long employment system has survived in government offices, and the private sector, although there have been exceptions in recent years. Employers benefit from the loyalty of their employees, and managers or superiors in

Table 4

Views on Treatment of Offenders

(Please choose the one which is the most similar to yours from among the following opinions about the treatment of offenders)

Answers	Ordinary citizens		Prisoners		Family members of prisoners		Male	Female
	Male	Female	Male	Female	Male	Female		
Total	100.0 (2,392)	100.0 (1,067)	100.0 (1,325)	100.0 (2,648)	100.0 (2,537)	100.0 (111)	100.0 (727)	100.0 (206)
Severity is most effective	25.2	26.4	24.2	7.1	7.3	1.8	10.0	12.6
Affection (sympathy) is necessary as well as severity	57.8	57.1	58.4	80.6	80.2	89.2	75.8	72.8
Assistance is more necessary than punishment	5.6	6.1	5.2	7.1	7.3	2.7	4.0	5.8
Others	1.3	1.7	0.9	0.8	0.8	-	1.1	1.0
Do not know	10.2	8.7	11.3	4.4	4.4	6.3	9.1	7.8

Note: Figures in parentheses show actual numbers

Source: The Public Opinion Poll, Prime Minister's Office for Ordinary Citizens: Research and Training Institute, Ministry of Justice for Prisoners and Family Members of Prisoners

companies often treat their subordinates like their family members.

These interdependent relations affect people in behaviour and thinking. Each community member has an individual responsibility for his or her behaviour and, at the same time, the community also bears a collective responsibility for its members. Consequently, an individual feels responsibility to the community. Such consciousness has significantly contributed to people's general attitude of observing community rules. The common thinking among ordinary citizens is that any misconduct or deviant behaviour would bring shame on the person involved as well as on the community or association with which they are affiliated. These aspects of human relations and moral consciousness, still observable in modern Japanese society, work as an informal social control to enhance the law-abiding spirit among citizens in general.

In this context, reference should be made to the result of an opinion poll on national life conducted in 1984 by the Economic Planning Agency on the question of social order versus individual rights. Sixty-five per cent of those polled believe that social order is more important than individual rights, and those who think that individual rights and opinion should be given priority constitute only 24.7 per cent. Moreover, special note should be made of the fact that 71.6 per cent think that individual rights should be restricted for maintenance of social order.

Public perception of the criminal justice system

In Japan, law enforcement agencies enjoy high esteem, public confidence, and public cooperation in criminal investigation. This is partly because of



the close and continual presence of police officers in the community and the high clearance rate of crime. Japanese police are not remote and feared symbols of government power. Japanese neighbourhoods are served, in larger cities and communities, by police assigned to police boxes (*koban*), and in rural areas by officers who, with their families, live in residential police stations. They discuss with local citizens all sorts of problems and complaints, whether or not they involve criminal matters. As a result, police officers, and the police boxes or residential police stations are an integral part of the life of the community and its denizens.

Prosecuting officials also generate public confidence in the way the country's criminal justice system operates. They promote redress for injuries and damages inflicted by

perpetrators on victims, sometimes at an informal level, for example, recommendations by prosecutors to offenders that they make voluntary restitution as a sign of sincere repentance and desire to be integrated into the community. For victims, restitution supports the belief that justice is being done, as well as contributing to the effective rehabilitation of offenders. The system of suspension of prosecution, at the discretion of public prosecutors, contributes to the same results.

Japan's high clearance rate and high conviction rate (99.9 per cent) in criminal courts also represents an effective functioning of the criminal justice system. The attitude of criminal justice personnel and their efforts to improve their performance of duty result in public confidence in the system.

Table 5

Views on the Usage of Actual Names in Crime News

(What do you think about the usage of real names in crime news?)

Answers	Ordinary citizens			Prisoners			Family members of prisoners		
		Male	Female		Male	Female		Male	Female
Total	100.0 (2.392)	100.0 (1.067)	100.0 (1.325)	100.0 (2.648)	100.0 (2.537)	100.0 (111)	100.0 (727)	100.0 (206)	100.0 (521)
As a matter of course	24.5	25.2	24.9	18.0	17.8	22.5	18.2	21.4	16.9
Not to be avoided	31.9	34.2	30.0	22.0	22.1	19.8	19.1	21.8	18.0
Not to be allowed about residences and criminal records	20.0	19.0	20.8	25.8	26.2	17.1	12.0	7.8	13.6
Should keep anonymity	15.0	14.9	15.0	23.9	23.6	30.6	28.2	29.6	27.6
Others	1.3	1.3	1.4	2.6	2.6	1.8	2.8	2.4	2.9
Do not know	7.3	5.3	8.8	7.7	7.6	8.1	19.8	17.0	20.9

Note: Figures in parentheses show actual numbers

Source: The Public Opinion Poll, Prime Minister's Office for Ordinary Citizens: Research and Training Institute, Ministry of Justice for Prisoners and Family Members of Prisoners

Awareness of legal rights and duties

Since World War II, greater emphasis in the educational system has been placed upon democracy and individualism enshrined in the new Constitution.

A variety of campaigns have been undertaken by the governmental agencies, and professional associations of lawyers to inform the public of their rights and duties under the law and the role of lawyers in protecting their fundamental freedoms. People have thus been increasingly aware of their fundamental rights guaranteed by the Constitution.

This is also true in terms of criminal justice administration. An offender's right to legal representation is guaranteed in all stages of criminal proceedings. Those lacking means to pay for legal services have the right to be assisted by state assigned lawyers at no cost to them, although state assigned lawyers are available only at the trial stage of proceedings. However, the public prosecutors play an important role as representatives of public interest, whenever the interest of justice so requires.

Police investigators, subject to the direction of prosecutors, make every effort in their contact with offenders to obtain voluntary confessions being motivated by sincere repentance. Such efforts are based on the belief that voluntary confessions motivated by sincere repentance leads offenders to rehabilitate themselves as law-abiding citizens. It should be noted confessions are made on the understanding of the offenders constitutional rights guaranteed in Article 38 of the Constitution; 'no person shall be compelled to testify against himself'. All suspects are, in advance of questioning, notified of their rights. While offenders' confessions can generally be assessed as mitigating factors which indicate their repentance of crimes committed, both in a prosecutor's disposition of the case and in sentencing at the trial, offenders' refusal to answer to questions would be taken as an unfavourable factor. Offenders and defence lawyers are well aware of the possible adverse effect of exercising the right to refuse to answer. These factors have contributed to the high confession rate of offenders in criminal proceedings and have characterised criminal justice administration as a whole in Japan. Thus court proceedings become less disputable concerning an offender's guilt, and greater emphasis is put on sentencing procedure where defence lawyers make every effort to substantiate mitigating circumstances.

In Japan, victims of crime play a key role in the administration of criminal justice and a successful investigation depends largely upon the cooperation of crime victims.

Investigating authorities enjoyed adequate cooperation and support from victims in the performance of their investigative responsibilities in spite of possible retaliation.

In Japan, incidences of offenders or criminal organisations threatening or taking illegal action against victims in an attempt to prevent them from testifying, or to retaliate against them for having already testified, have been reported. However, such incidences are rare. Should such a case occur, the police make maximum efforts to arrest the criminal involved and take all necessary measures to protect victims from further victimisation. The court would certainly impose the severest possible sanction on those offenders as well.

Thus, the rule of law and the realisation of justice have been given top priority as the basic principles underlying criminal justice administration in Japan. The public at large have full trust in law enforcement activities and the administration of justice with particular emphasis on these established principles.

Crime prevention and the treatment of offenders

The responsibility of crime prevention and treatment of offenders primarily rests in the hands of the government. However, government agencies could not effectively fulfil their responsibilities without public participation and cooperation.

The government has encouraged a variety of ways for the public to participate in crime prevention by mobilising Crime Prevention Associations which are volunteer community organisations dedicated to the prevention of crime and delinquency and to the sound development of youth in the community. They promote public-awareness campaigns and provide public-information services.

The system of Volunteer Probation Officers demonstrates a characteristic feature of public participation in the treatment of offenders in Japan. There were 48,547 Ministry of Justice volunteer probation officers as of 1 July 1989. The volunteer probation officer supervises and assists the probationers and parolees assigned to him, where necessary makes adjustments to an inmate's living environment on release from prison, and conducts preliminary investigations in the case of candidates for pardon.

In the promotion of crime prevention, volunteers collaborate with public and private organisations in exploring and coordinating social resources in the community, they spread rehabilitative philosophy, as well as attempting to eradicate crime-precipitating conditions in cooperation with community residents.

There are no material benefits for a volunteer probation officer. What constantly motivates him is a sense of mission and gratification from helping others.

This enhanced public participation in crime prevention and treatment of offenders indicates that people are fully aware of the importance of the role they are expected to play as members of the community with the aim of ensuring human welfare and a tranquil society.

Conclusion

In Japan, various forms of informal social control have functioned more effectively than in other advanced countries. Such social control works with the modern legal system to control and prevent crime and is a unique point of criminal justice administration in Japan. People in general have the highest regard for a sense of justice and adhere to community rules. This attitude is supported by many factors involving economic, social and cultural conditions still predominantly observed in the Japanese society.

However, one cannot be so optimistic about Japan in the future, as social values are beginning to change: an increasing number of nuclear families, a weakening traditional sense of morals, and increased desire for wealth resulting from the affluent society, the transition of people's interests and concern from social areas into personal areas, changing living environments, especially in urban areas, to name a few. These changes will affect behaviour and thinking, thereby exerting adverse effects on the moral and legal consciousness of people. Japanese society appears to be in the course of a transition, if not visible, but steady, from the viewpoint of the value systems and social structure.

Rick Sarre*



Rick Sarre
Photo: Garry Raffaele

Religious Violence — An International Reflection

Many studies have been conducted on the subject of communal and ethnic violence (Masserman 1984). Gang violence (Biles 1975), crowd violence (McPhail & Wohlstein 1983), political and nationalist violence particularly (Enloe 1976, 1977, Perry 1984, Horowitz 1985, Das Veena 1985, de Silva 1986, Engineer 1987, Kinloch 1988) have all been the subject of academic work. This paper comments upon violence which appears to have religious roots, a field of enquiry which has been largely neglected, probably because of the difficulties experienced in attempting to extricate it from the realms of political and ethnic violence generally.

For the most part, religious violence is political in nature, and very often stems from the belief of certain religious adherents that they have been called to bring about certain religious ends. But rarely do governmental authorities attempt to deal with the religious aspects of the violence when determining their responses. This paper addresses some of the issues which ought to be considered when these special cases arise. The author has taken the liberty of making alterations to the paper presented in Bali in light of comments and questions from the floor following the presentation.

It is a great pleasure to be present at an international gathering, and I commend the planners of the conference and the Indonesian Society of

Criminology for making it possible. I am not sure that many Australians would know that Indonesia, with over 180 million people, has the fifth largest population in the world. It is crucial that the peoples of our two nations spend more time together, discussing matters of international significance. I am delighted to have the opportunity to participate in this conference, designed as it is to help construct bridges between eastern and western thought on matters of criminology.

One issue which continues to command a great deal of attention in both the East and West is the issue of ethnic and political violence within and between nations. Sadly, the world in which we live contains societies dogged by violence. Often, the means used to police it are as repressive as the initial affray. In Latin America, in southern and northern Africa, the Middle East, parts of south east Asia and eastern Europe to name but a few regions, this spiral of political and ethnic violence is commonplace. Such violence is now recognised as one of the major public health concerns in the world today (Zwi & Ugalde 1989, p.637). Those who stand clear of the immediate violence are not immune from its effects either. If nothing more, the dignity of the community generally suffers by its inability to prevent the contraventions of human rights taking place.

It is not the purpose of this paper to discuss the etiology of political violence generally. It has been suggested that factors including class conflict, economic exploitation and the unequal distribution of resources appear to lie at the heart of the problem. Much of this violence can be linked to activities of the former colonial powers and the de-colonisation policies adopted by them. In many instances, small ruling classes are maintained in power today by the direct assistance of foreign governments. Tribal and ethnic rivalries, intense nationalism, uncompromising political ideologies and

despotism also play a part in fuelling the fires of conflict.

While much has been written on these political, economic and historical aspects of such violence, however, there has been little research conducted on the links between violence and religion. Indeed, one would have to look for a long time to find material on the interaction between criminology and religion studies generally. Of course, an heightened East/West dialogue may go some way to addressing this gap in criminological research and discussion. It is not difficult to guess why this gap may exist. Very often, it seems, the religious component in violence is categorised by law enforcement officials as either being irrelevant, inconsequential or a sham. For example, there is a suspicion, which is quite legitimate in some circumstances, that many politically motivated violent struggles are dressed in the clothing of 'religious' warfare because that avenue is perceived by the violent zealots to have ulterior political advantages. For example,

... the young Sikh radicals, ... by clothing their actions in the moral garb of religion ... have given their actions legitimacy. Because their actions are morally sanctioned by religion, they are fundamentally political actions: they break the state's monopoly on morally sanctioned killing. By putting the right to kill in their own hands, the perpetrators of religious violence are also making a daring claim of political independence (Juergensmeyer 1988, p.78).

It is too simplistic a response to dismiss all violence which has a religious component as being 'merely' political terrorism by another name. A better response would involve a greater consideration of the religious issues and the extent to which religiously esoteric factors influence the proclivity of adherents to violent conduct and fanaticism, an issue dealt with below. No

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one religiously motivated violent struggle is going to be identical to another, and law enforcement agencies would be unwise to act as if all religious antagonists were in some way of like mind.

All agencies will face definitional difficulties which need to be addressed. Where do the boundaries between political, ethnic and religious violence lie? What historical factors have influenced any current tensions? How may the situation differ where the religion and the state are virtually inseparable (as exists, say, in Islamic fundamentalist countries) or where there is a strict separation of church and state (for example, in the Soviet Union) or where lip-service is paid to such a separation but the leaders consult with religious principals and make outward displays of religious faith (for example, in the United States)? Is there any difference between the situation where violence is visited upon religious groups by other religious groups or where the violence is random? For the most part, unless one has actually taken the time to answer these questions, and to learn of the beliefs and practices of a particular religious community or fellowship, it is unlikely that there will be any understanding of that community. Fear, misunderstanding and prejudice will become hallmarks of the methods of official policing and penalising. Thus, unless governments, law enforcement agencies and the public generally are prepared to address the above issues, our world is likely to be subjected to similar levels of religious violence to those that have marred the pages of history to date.

Religious violence can take many forms. It has existed since time immemorial. It should not be forgotten that there is a sorry historical record, worldwide, of official, state-sponsored and private violence which has been perpetrated for centuries upon many religious organisations and ethnic groups. The religious violence that is the subject of this paper, however, is the violence perpetrated by religious groups in the furtherance of their own ends.

How pervasive is this type of religious violence in the 1990s? Hindu militants this very month are attacking a 16th century Islamic mosque in the northern Indian city of Ayodhya (one of India's seven sacred Hindu cities) which they claim was built on the site of the birthplace of Lord Rama. More than 15 militants were shot dead in November 1990 as they entered the area of the mosque. Tensions persist in Israel, Lebanon and Jordan. In Northern Ireland killings continue sporadically yet brutally. The conflict between the Islamic nations of Iran and Iraq, which continued for a decade as a full-scale war, has only recently reached a negotiated settlement. Asia and Africa are not immune from religious violence.

The recent crisis in the Middle East is yet another example of twentieth century violence which can trace its roots to religious fanaticism. Of course, this war found other roots in the world of economics, as the world's major trading blocs manoeuvred with and against each other in order to protect threatened energy resource supplies. But there continues to be a religious tension as well, as both sides claimed self-righteously that the appropriate deity is on their side, and that their cause is aligned with ultimate spiritual 'truth'. The arrogance which usually accompanies such claims carries an equally dogmatic intransigence. Such a mixture provides a fertile field for violence. It does not seem to be abating despite most draconian policing policies and often devastating loss of life. There has to be a process set in motion where alternatives are employed. Any calls for 'more of the same' in relation to official responses to violence will ensure 'more of the same' levels of violence as well.

The irony in this situation is that virtually every religious tradition promotes non-violence at the official level. For example, the famous Mosaic commandment in Exodus not to kill is endorsed by three of the 'great' religions, Islam, Judaism and Christianity. It would appear, however, that the rule against killing may be easily abrogated in circumstances where spiritual justice is at stake. Although a temporal struggle may be bound by these restrictions, elevated to the cosmic realm, they may easily be by-passed. Symbols and mythology of most religious traditions are filled with violence and bloodshed. Any scholar of Biblical tradition will remind us that the first book of Samuel, chapter 15 in the Old Testament reveals to the reader that God has been presented to Christians and Jews by the writer as sanctioning the wholesale slaughter of people in a 'holy war'. Indeed, the so-called 'just war' theory has been around since the days of Ambrose and later Augustine of Hippo in the fourth and fifth centuries (Fahey 1982, p.3). There are similar allegories in most faiths as they try to explain the 'war' between good and evil. But the disturbing feature of the lives of some religious zealots is that often the allegories pass beyond the allegorical.

One might think that they should prevent violent acts by allowing violent feelings to be channelled into the harmless dramas of ritual, yet we know that the opposite is sometimes the case. The violence of religion can be savagely real (Juergensmeyer 1988, p.76).

Religious violence has as many disparate roots as there are roots of violent behaviour generally. Differences can be noted, for example, between the Sikh conflict, the Islamic Jihad and Christian Messianic fanatics. Sikh

violence in India came to recent world attention with the publicity surrounding Sikh leader Sant Jarnail Singh Bhindranwale in his religious campaign to save the Golden Temple in Amritsar from forces marshalled by the Indian government in 1984. Bhindranwale repeatedly reminded his followers that the Sikh tradition has always been filled with conflict, and that the latter-day battles are simply the most recent chapters in a long ongoing war with the 'enemies' of the faith. 'The foes of today are connected with those of the legendary past', claimed Bhindranwale. Compromise is inappropriate and impossible, he said (Juergensmeyer 1988, p.71). Thus there cannot be a negotiated peaceful settlement. Juergensmeyer continues:

In a sense then, Bhindranwale feels that individual Sikh demands can never really be met, because the ultimate struggle of which they are a part is much greater than the contestation between political parties and factional points of view. It is a vast cosmic struggle, and only such an awesome encounter is capable of giving profound meaning to the motivations of those who fight for Sikh causes. Such people are not just fighting for water rights and political boundaries, they are fighting for truth itself (Juergensmeyer 1988, p.71).

The symbols and mythology of Sikhism have parallels in the Islamic Jihad or Holy War (Peters 1979), although their leaders do subscribe to the possibility of political solutions. Iran's spiritual leader Ayatollah Ali Khamenei has said that the return of the Palestinian homeland to the Palestinian people is a 'divine duty' and any compromise is treason both to the nation and to the deity. Presumably a political solution — dialogue on the question of a separate Palestinian state — would go some way to reducing the level of tension and terrorism in the Middle East.

Isolated killings by fanatics, such as Jeffrey Lundgren, the messianic cult leader who sacrificed a whole family in Ohio in 1989 on the 'instructions of God', involve a different kind of violence. However, there is a common link in that the perpetrators of religious violence believe sincerely — yet errantly — that they have discerned the mind of the eternal, and are merely acting on their instructions. In many respects, the arrogance displayed by all such religious fanatics who see violence as a legitimate means to a greater end breeds an extremely dangerous concoction which must be monitored extremely carefully.

The task for those charged with the responsibility of policing the violence is to ensure that their response is appropriate in all of the circumstances, and does not inflame matters. The various responses to the violence of Bhindranwale, the Islamic

Jihad and Jeffrey Lundgren will necessarily be different, considering factors such as the nature of the society and its religious communities, the nature of the threat to the community generally, the political options available and the deterrent effect upon others, to name a few. It is not sufficient to deal with violence of a religious nature simply by using a measure of force with no thought to the special needs of the particular situation.

Juergensmeyer, drawing upon the work of Rapoport (1984, 1985), has analysed religious violence and has isolated a number of features of religious faith and belief which appear to be common to groups engaging in such violence. These need to be considered in addressing the policing needs of such groups:

- ☐ The war between good and evil is seen in historical time and in real geographical location and continues to the present.

This conviction excites, for example, current day movements such as the radical Jewish militant group Gush Emunim, to continue their struggle, convinced that the Six Day War was a sign that Messianic redemption has already begun. The major religious tradition that appears to lack this characteristic — Buddhism — is characteristically (although not exclusively) devoid of religiously sanctioned violence.

- ☐ Believers can identify with the struggle personally.

If one believes that the cosmic struggle is primarily a matter of large contending social forces, one is not likely to become personally identified with the struggle; and if one is convinced that the struggle is solely interior there is no reason to look for it outside. But when the two ideas co-exist, they are a volatile concoction (Juergensmeyer 1988, p.83).

A contrast of the Islamic Surfis and the Shi'ites illustrates this point. The former see the Jihad within the soul, while the latter do not. Bhindranwale's Sikhs were asked to wage an external cosmic struggle. Jeffrey Lundgren saw his enemy in his immediate community.

- ☐ The struggle is at a point of apocalyptic crisis.

If religious leaders regard their cause as being poised on a delicate balance between oppression and opportunity and believe that human action can make a difference, then violence is more likely. Of course, that is not always the case, as the life of Mohandas Gandhi illustrates. But those who advocate a violent struggle very often use the rhetoric of uncertainty — that the final outcome is in doubt, and a super-human sacrifice is required in order to win the 'battle'.

Bhindranwale expressed the desire that he die fighting, and his wish was fulfilled, on June 6 1984, within months of being uttered. If the foe is demonic, so the logic goes, even the most violent of aggressors will be saintly in death, and if the ends are so vital, even the most foul of deeds used in the means to reach those ends are justified. The recent posturing in the Salman Rushdie affair — where a death sentence was placed upon a British author accused of blaspheming the Islamic prophet by Iranian mullahs — shows that even the most passive of people — British Islamic clerics — would condone his execution if the blasphemy were evil enough. 'The great promise of cosmic struggle is that order will prevail over chaos; the great irony is that many must die in order for certain visions of that victory to prevail and their awful dramas be brought to an end' (Juergensmeyer 1988, p.87).

What responses to religious violence are possible by governments and criminal justice agencies when violence is actuated by such a range of beliefs and in circumstances where the militants are said to be undertaking a task often of cosmic proportions?

The first point to be made is that there must be attempts at understanding the various perspectives of the religious antagonists. The agencies must endeavour to come to grips with the various tenets of all religious orders which are violence-prone. This attitude will go some way to preventing the difficulties presented when one assumes that all religious struggles are alike. It will also help determine which religious struggle are 'legitimate' and which are merely shams for opportune ulterior political motives.

Secondly, there has to be a reluctance to impose order by means of force of arms except as a last resort. A policy of force merely adds fuel to the fire of the martyred, in the same way that some short-term solutions to crime problems — such as harsher punishments — are often counter-productive in the long term. It may merely mean that the state is substituting one form of violence for another. If that substituted violence is justified by the state as being morally correct, then the state is playing into the hands of the martyrs who have alleged that their violent struggle is also morally sanctioned, albeit by a different moral ruler.

Thirdly, there is a need for a greater toleration of religious diversity — one that is encouraged by enquiry and study rather than fuelled by prejudice and suspicion.

This response is, of course, less immediate, although it may ultimately be more effective than rule by the power of the sword. A society that is prepared to accept a variety of religious faiths, and in which religious faiths and orders lay fewer claims to moral superiority and

place less emphasis on their absolute rights to moral authority is a society where less violence will occur, without the need for repressive policing. John Stuart Mill (1956, p.22) once said that honesty necessitates the recognition that if one had been born elsewhere, one would probably have adopted the religious tradition of that particular culture. Any serious reflection on that fact should forestall religious intolerance. An attitude, rather, of religious tolerance would go some way towards defusing the religious violence perpetrated in the wake of dogmatism, fear and prejudice.

A corollary of the preceding response is the need for seeking solutions from within the faith itself, and using terms which are familiar to the faithful.

An example may be found in South Africa, a predominantly Christian nation, where violence has become a way of life in the struggle against apartheid. There, the leaders of many groups are endeavouring to site the struggle within religious frameworks which are compatible with the peaceful resolution of conflict.

Mesle's discussion of faith, belief and dogma (1984, p.203) reminds readers of Bronowski's film series, *The Ascent of Man* (1973). In one scene Bronowski wades out into a muddy stream near the Auschwitz prison camp. Kneeling down, he scoops up a handful of mud from the pond into which, very likely, the ashes of some four million people were flushed. Reflecting upon what people do to one another when they claim dogmatically that they are absolutely right and certain, Bronowski pleads with the film's audience using Oliver Cromwell's words in 1650 to the General Assembly of the Scottish Church, 'I beseech you, in the bowels of Christ, think it possible you may be mistaken'.

Summary

The world is currently dogged with political and ethnic violence. The religious influence upon such violence is rarely studied possibly because of the scepticism of observers who believe that its adherents are using it as a cloak for subversive political ends. Such an attitude ignores the fact that religious struggles are as diverse as they are numerous and require astute and perceptive policing rather than merely applying greater force.

It is Juergensmeyer's view that since religious language and symbolism often speaks of the tension between order and disorder (often beyond this world) then religious fanatics are frequently found using violence as a means of explaining and justifying their positions. In those circumstances to treat these violent episodes as being political and to police and punish them accordingly may be inappropriate and merely exacerbate a violent situation.

The difficulties one must encounter when addressing this issue are numerous. The dynamics of religious conflict are often very difficult to isolate. The task one faces will require a better knowledge of the religious beliefs and faiths involved. If there is going to be any effective and long-term response, agencies and governments must not be so arrogant as to assume that they have the right to speak with moral authority, or to believe that a 'whiff of grapeshot' will do anything other than to heighten tensions and worsen an already volatile situation. Stone (1958, p.120) reminds us that it is foolish to expect that we can ever hope to deliver, once and for all, a just distribution of spiritual and temporal resources that will satisfy all people of all religious faiths. But while it is not possible to bring justice down from the heavens 'in full and pure measure' (Stone 1958, p.168), it may be possible to see solutions which may allow those in religious conflicts with themselves or with their state at least to survive together. At the heart of that solution must be a dialogue between religious faiths, the communities of which they form a part, and the governmental agencies which have been given a mandate to control the disorder.

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March	Corporate Crime
Sydney	
March/April	8th Conference for Librarians in the Criminal Justice System
Canberra or Sydney	

The Conference Unit of the Institute is always keen to hear from people interested in participating in, or speaking at, Institute Conferences. If you would like to be involved in any of the above events, kept informed of planning for them, or have any suggestions for Institute Conferences that would address issues of national importance in the criminal justice or related areas, please contact the:

Conference Unit
The Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601

Tel: (06) 274 0226/0223
Fax: (06) 274 0225

The Australian Sociological Association

TASA '91
Empowerment, Regulation and Social Change

10-14 December 1991, Murdoch University, Perth

Topics to be covered include: architecture and urban form; crime deviance and social control; inequality and welfare; media; race, ethnicity and multiculturalism; and youth studies.

Registration fees:

TASA Members \$110 (prior to 30 September), \$140 (after 30 September)

Non Members \$140 (prior to 30 September), \$170 (after 30 September).

There is also a pre-conference workshop: Practising Sociology - Leisure, Sport and Tourism, to be held at Rottnest Island from 8 to 9 December.

For further information, please contact:

Conference Organiser
Murdoch University Extension
Murdoch WA 6150

Tel: (09) 332 2884

Overseas

Cuban Attorney General's Office and the Cuban Society of Penal Sciences

(National Union of Lawyers of Cuba)
1st International Meeting on Legal Protection of the Environment
19-21 November 1991, International Conference Center, Havana

Topics at this conference will include: international cooperation and legal protection of the environment; peculiarities of the legal protection of the environment in big cities; and environmental pollution as a non-conventional crime.

For registration and conference details, contact:

Miguel A. Garcia Aizugaray
D'Dpto. Relaciones Internacionales
Fiscalia General
San Rafael No. 3, Habana 2
Havana, CUBA

Tel: 62-0681, 62-9506 and 62-0866

American Society of Law Enforcement Trainers

Fifth Aslet International Training Seminar
7-11 January 1992, Milwaukee, Wisconsin

This training seminar will include: management/supervision of training; firearms training; motor skills training; corrections training, and specialised training. A number of vendors will also be present to display the latest technology and information available to the law

enforcement training community.

For further information, contact:

ASLET
9611-400th Avenue
PO Box 1003
Twin Lakes
WI 53181-1003 USA

Tel: (414) 279-5700
Fax: (414) 279-5758

Alcohol and Drug Foundation, and Mersey Drug Training & Information Centre

Third International Conference on the Reduction of Drug Related Harm 23-26 March 1992, Radisson President Hotel, Melbourne

This conference will cover research, policy and practice in a range of areas including: community development in South East Asia, criminal justice and the penal system, drug policy, drug treatment, education and training HIV and AIDS, international law, prevention strategies, user organisations, women's issues, the role of the media and indigenous cultures and drugs.

For further information, contact

Conference Administrator
PO Box 529
South Melbourne Vic 3205

Tel: 61 (03) 690 6000
Fax: 61 (03) 690 3271

International Society for Traumatic Stress Studies

1991 World Conference of ISTSS Trauma and Tragedy: the Origins, Management and Prevention of Traumatic Stress in Today's World 21-26 June 1992, RAI Congress Centre, Amsterdam, The Netherlands

The aim of this conference is to bring together professionals and experts, as well as representatives of institutes, organisations and companies, in special meetings on prevention, treatment, management and care of victims/survivors and their family members.

For further information, please contact:

Dr Yael Daniele
International Chair and Chair
International
Committee of the ISTSS
345 East 80th Street (31-J)
New York, NY 10021, USA

Tel: (212) 737-8524
Fax: (212) 628-2086



New Course in Welfare Law

As part of an expansion of research and teaching in Welfare Law, a course on Social Security Law will be introduced this year at Sydney University's Law School. The course will be taught by Professor Terry Carney, who took up his appointment this year. Professor Carney believes law should be taught in a social context to meet emerging social and community needs. Within the current curriculum, he intends to highlight child welfare law, mediation techniques, protective options for children in need and the wide-ranging area of abuse - physical, sexual and emotional.

Australian Science and the FBI

Lecturer in Biological Sciences at Flinders University, Dr Craig Fowler, in collaboration with the South Australian Government Forensic Services, has devised a rapid, cost efficient and reliable method of identifying the source of DNA, which will help forensic scientists avoid errors when analysing minute biological samples used as evidence in court cases. The results of Dr Fowler's research were recently presented at a three-day seminar in Washington, DC, organised by the United States Federal Bureau of Investigation. The meeting was organised to discuss the forensic applications of polymerase chain reaction (PCR) technology which is used to make exact copies of minute amounts of DNA.

Appointment to the International Law Association

Professor James Crawford, Challis Professor of International Law and Dean of the Faculty of Law at Sydney University, has been appointed the new Director of Studies of the International Law Association. Founded in 1874 and based in London, the Association provides a forum for lawyers working in international law and international relations. Professor Crawford succeeds Professor Ain Brownlie, Professor of Public International Law at the University of Oxford.

The National Violence Monitoring Unit

The National Violence Monitoring Unit within the Australian Institute of Criminology would like to hear from anyone who has introduced projects to combat violence. Information already received from the states and territories shows that there has been widespread enthusiasm for programs aimed at preventing violence.

One of the main functions of the Monitoring Unit is to act as a 'clearing house' for information, thus enabling state and territory bodies to obtain relevant information easily and to avoid unnecessary experimentation and costly duplication of effort. The Unit is establishing a computerised database giving details about projects addressing different aspects of violence. This material will be available to federal, state and territory governments, and to non-government organisations and individuals with an interest in the field.

Please contact:

Dr Jo Herlihy
Violence Monitoring Unit
Australian Institute of Criminology
GPO Box 2944 Canberra ACT 2601

Tel: (06) 274 0218

Occasional Seminars

The topic of the 5th Australian Institute of Criminology Occasional Seminar for 1991 on 5 July was 'Compliance and Enforcement of Environment Laws: Sanctions and Strategies'. The seminar was given by Mr Mohan Prabhu, QC, Senior Counsel with the Regulatory Compliance Project in the Canadian Department of Justice. Mr Prabhu has represented Canada at international meetings in which the role of the criminal law in the prevention and punishment of environmental crimes has been discussed.

The 6th Occasional Seminar, held on 6 August, was on the topic 'Children in the Witness Box: Sex, Lies and Videotape'. The seminar was given by Professor Graham Davies, researcher and adviser to the Home Office on CCTV, and currently a member of the Home Office Working Party on guidelines for video taped interviews.