

## C FOR CONFLICT: DISPOSITIVE CENTERS AND THE DISCURSIVE CONSTRUCTION OF JUVENILE DELINQUENCY

Nathaniel G. Gido,

Assistant Professor IV, Tagoloan Community College, Misamis Oriental, Philippines

Maritimeresearchunit@gmail.com, +639271308707

Wilzen D. Bermoy

Teaching Fellow, University of the Philippines Los Baños, Los Baños, Laguna, Philippines

wdbermoy@up.edu.ph, +639177952673, aeoald@icloud.com

Maricar G. Cañedo

Instructor 1, Tagoloan Community College, Misamis Oriental, Philippines

xurmicar@gmail.com, +639058436150

### ABSTRACT

This paper is using critical analysis to examine how the discursive idea of "juvenile delinquency" has formed and evolved among Cebuanos—both children and adults. The study is an overall expansion of the qualitative methodology. The critical discourse analysis (CDA) methods guide the level of in-depth study regarding texts and contents. The end result is a multifunctional and multifaceted structure: a prison-orphanage-school-cloister-in-one. For mortification, digital surveillance is used, and the jail security apparatus, as well as the jail personnel themselves, serve as a superimposed substitute for parenting and scapegoating. No wonder, based on the statistical data we have found regarding the juvenile delinquency rate and the facts about what usually happens when CICL leave the centers and then rejoin the free communities, self-defense alibi and self-victimization cases are rampant among the children abused to do the evil deeds of adults. The divergence programs have evolved into a program to amplify divergence. To feel "clean" and rehabilitated, all they have to do is eat, pray, and love their country and religion indefinitely. Furthermore, Children in Conflict with the Law are regarded as grounded miniature adults.

**Keywords:** Children in Conflict with the Law, Critical Analysis, Juvenile Delinquency, Qualitative Study, Philippines

### 1.0 INTRODUCTION

First, what this research is all about: (1) It is a critical analysis of how the discursive idea of "juvenile delinquency" has formed and evolved among Cebuanos—children and adults alike—and (2) how the local rehabilitative centers have become dispositive power-controlling structures.

Majority of the children in conflict with the law (CICL) in Cebu City are victims of gender-related crimes. Most cases committed by CICL can also be traced back to limited gender awareness and exposure to phobias, stereotypes and stigma. Stereotyping has something to do with the child's constant exposure to media, in school and treatment inside the home or in

neighborhood. Gender stereotyping in general is giving generalizations about the different roles of an individual.

“Stereotypes can be positive or negative, but they rarely communicate accurate information about others. When people automatically apply gender assumptions to others regardless of evidence to the contrary, they are perpetuating gender stereotyping. Many people recognize the dangers of gender stereotyping, yet continue to make these types of generalizations.” (“Gender,” 2014)

As a majorly patriarchal country, the typical female-male binary system canonizes the ways gender roles are perceived and practiced in the vast landscape of the Philippine archipelago for ages. Most of these roles and rules are unwritten. In that way, the imposition is more mental than physical and not the other way around as what most people think.

The pinoy-pinay dichotomy of stereotypes are considered as the “norm” for every Cebuano boy and girl but these sociocultural gender standards do not and must not define them as individuals: identity is a synergy of cues. Quoting Aristotle, “the whole is greater than the sum of its parts.” These normalized assumptions presupposes personal choice because it is the system that works for the majority group: efficient and straightforward for stratification’s sake alone. Straightforward means what most straight people think, say and do are put forward. These deep-rooted myths create strain on children themselves resulting to a wider gender gap and

“May lead to externalized anger that may result in violent outbursts. The results are usually removal of a positive stimulus and or the introduction of a negative stimulus which would create depression creating a negative effect (strain) within individual, which is either inner-directed (depression/guilt) or outer-directed (anger/frustration), which depends on whether the individual blames themselves or their environment.” (Agnew, 2012)

Similarly, Moon et.al (2007) state that “men would more likely engage in aggressive behavior directed towards others due to externalized anger whereas women would direct their anger towards themselves rather than others.” CICL’s are often the products of these situations where they are exposed to but are unconscious on the results of their behavior resulting to formation of negative attitudes.

The common negative attitudes evident among CICLs range from callousness to hostility. The impact of the stated negative attitudes usually resulted to hate crimes. Streissguth (2003) stated that “non-criminal actions that are motivated by these reasons are often called “bias incidents.” Due to the same reasons, children could express these actions in a more drastic manner and could aggregate them to commit violent crimes which are actually the results of habitual hate incidents (see table below).

### Hate Crimes (Bias-Motivated Crimes)

|                  |                    |              |
|------------------|--------------------|--------------|
| Hate mail        | Burning            | Hate speech  |
| Vandalism        | Threat             | Verbal abuse |
| Physical assault | Damage to property | Lynching     |

Based on the listed hate crimes, victims can feel as if the crime is committed by an adult and often escalates tension in a community. Anyone could be a victim of a hate crime whether in groups or not. When committed, it does not choose a gender nor a workplace and usually hidden from the eyes of the public. This made the children vulnerable to become a victim and are becoming more susceptible to commit crimes. Crime occurs for many reasons and one of them is the problem of poverty and unemployment.

“Majority of the CICAL’s parents and family live below the poverty line where most of the parents were busy earning a living, they had no time to supervise their children. Some of the parents even engaged in illegal activities because of their low educational attainment and unemployment. There was also a lack of communication among parents and children. Moreover, their parents did not act as role models.” (Etimandi et.al, 2004)

Through these performative stereotypes, the most enduring and difficult to ameliorate is the gender-bias discourse and sexist language.

## 2.0 THEORETICAL FRAMEWORK

In analyzing the “what is said vs what is visible” between rehabilitative centers and juvenile delinquency, this research uses the tenets of discourse theory that is specifically in-line with Michel Foucault’s ideas and framework.

First, we have provided an inconclusive definition of what discourse is as a concept. Second, we elaborated the aims of critical discourse theory (CDT). Lastly, we have elaborated why societal discourses affect real issues and phenomena and that discourses (like name-calling labels, epithets, descriptions) are powerful in shaping collective consciousness, justice and belief systems, as well as governmental actions above all things.

## 3.0 RESEARCH DESIGN AND METHODS

The research is an overall amplification of the qualitative methodology. The level of in-depth study regarding texts and contents (all related to juvenile delinquency) is guided by the critical discourse analysis (CDA) methods. While, locations of rehabilitative centers have been analyzed using dispositive analysis. Mixed qualitative methods like content analysis (text and images) and direct observations (in the form of unobtrusive watching) were used as specific data interpretation lenses.

## 4.0 RESULTS AND DISCUSSION

There is a need, for scholars and the society in general, to decenter the way centers play dispositive powerhouses. They become a multifunctional and multifaceted structures: prison-orphanage-school-cloister-in-one. There are areas within the centers that echoes the panopticism kind of prison that Foucault discussed in his seminal books based, of course, on Jeremy Bentham’s design of the panopticon. Digital surveillance is used for mortification and

the jail security apparatus and the jail personnel themselves become superimposed substitute for parenting and scapegoating. Intervention program have all been designed for mind conditioning and mental torture. Elements of dogmatism, governmentality, normalization of judgments as well as standardization of criminal profiles and offenses, can all be traced up from the routinely tasks CICL do and follow.

Inside the centers, the maxim “minor equals minor offense” is ubiquitously preached both by real preachers, criminology, and penology practitioners. CICL are told every day that delinquency is lesser than criminality. They are told that they need not worry too much since there are minor and major offenses and for them they have committed the former. The diversion programs have become a program to intensify divergence. All they need to do to feel “clean” and rehabilitate is to: eat, pray and love the nation and religion indefinitely. In addition, CICL are seen as grounded miniature adults. They are made to feel that they are just roleplaying (the daily activities) and the centers are like in-house playground that is fully fenced. It’s just that they cannot go out.

### 5.0 CONCLUSION

In a macrocosmic view, the idea of childhood-adulthood continuum is politically shapeshifting. The thin line between innocence and maturity has been drastically contested socially and multiculturally since the advent of computers, media and the Internet in general. There is still a child-versus-adult power struggle that has started since the dawn of Philippine civilization. CICL are made to believe that through their confessions of offenses and guilt, they can purge the burden of accountability. No wonder, based on the statistical data we have found regarding juvenile delinquency rate and the facts regarding what happens usually when CICL leave the centers and then try to join the free communities again, self-defense alibi and self-victimization cases are rampant among the children abused to do the evil deeds of adults.

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