

# Strategic management in the Juridical Process for Preventing Critical Recidivism in Thai Juvenile and Family Court

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## Abstract

This research are analyzed internal and external factors, weakness and strength of the organization. This is a strength of strategic management. In the meantime, the weakness of information technology lacks a professional person including the limitation of public relations of the court to the public. Sometimes, cooperation request to the public sector seems not to proceed immediately because of government regulations. Addition, a lack of social workers or psychologists and the discontinuity of the work time of organization leader enable the framework stumbled or delayed. The suggestions is 1) To manage the strategic of person and to develop critical thinking of new project or management for preventing critical recidivism in juvenile by the leader do not adhere the original regulations. 2) To add strategy of new tools with a current world situation. 3) To expand the strategy in public relations to mobilize volunteer from outside 4) should legislate to prevent and protect rather than stay alerted and must be practical in order to be suitable for criminal trial and more dangerous for society. 5) To improve strategy management and to create more enthusiasm in the operation of the associate judge or related officer to contribute pride. 6) Juvenile and Family Court must come out to society to acknowledge problems and resolutions with tools and strategy for society to analyze the problems and be prepared for the cooperation.

**Keywords:** Management Strategy, Administration of Ministry of Justice, Strategic Management Model, Critical Interpretivism

## Introduction

The judicial administration of youth and families has the evolution continuously to underline the accumulated problems and these will be complex depending on social circumstance and generation. Misconduct of children and juvenile coming to the judicial process of Juvenile and Family Court is primarily criminal act which is the act that gives influential impacts to society and people in the country. If wrongdoer let oneself to the process of recidivism, it shall let more criminal offence to happen. The society shall be unpleasurable. Everyone aims to protect themselves with weapons. A stronger one shall bully a weaker one. Mob and majority shall significantly increase in number. Therefore, government should take an action to punish the wrongdoers instead of law.

The process of solving issue under law is Family Courts Act and Procedure of the Juvenile and Family Court, B.E. 2553. In practice, it is needed to have associated department to identify the

strategy management in order to drive which can be solved and responded to related issues. Due to strategic management, it is the decision of management which shall indicate the period of operation including external and internal Environment Scanning, Long-term Strategic Formulation, Strategy Implementation, and Evaluation and Control. Thus, strategic management is the management that includes Planning, Organizing, Directing and Controlling. It can be described that it is the process and decision to achieve the organizational mission by specializing organizational abilities with suitable external and internal environment. As Juvenile and Family Court process, it needs to apply the strategic management in order to drive the justice for children, juvenile and family within the scope of related law.

## Purposes of Research

1. To study and analyze the strategic management of the justice process for juvenile and family.

2. To study the tools that solve the issue of critical recidivism in Thai juvenile.
3. To deliver the process of strategic management for juvenile and family justice to correct the crisis of critical recidivism in Thai juvenile.

#### Expected Benefits

1. The strategic management process of juvenile and family justice will be more understand.
2. The tools that solving critical recidivism in Thai juvenile issue will be acknowledge.
3. The management of juvenile and family justice will solve critical recidivism in Thai juvenile issue.

#### The Process of POSDoRB

The concept of Gulick and Urwick (Gulick 1937) accumulates the concept of management on the book called “Paper on the Science of Administration” by throwing the idea of management as the so-called name “POSDoRB”. The main concept of

manager regards 7 factors as followings:  
1) Planning 2)Organizing 3)Staffing 4) Directing 5) Coordinating 6) Reporting 7) Budgeting

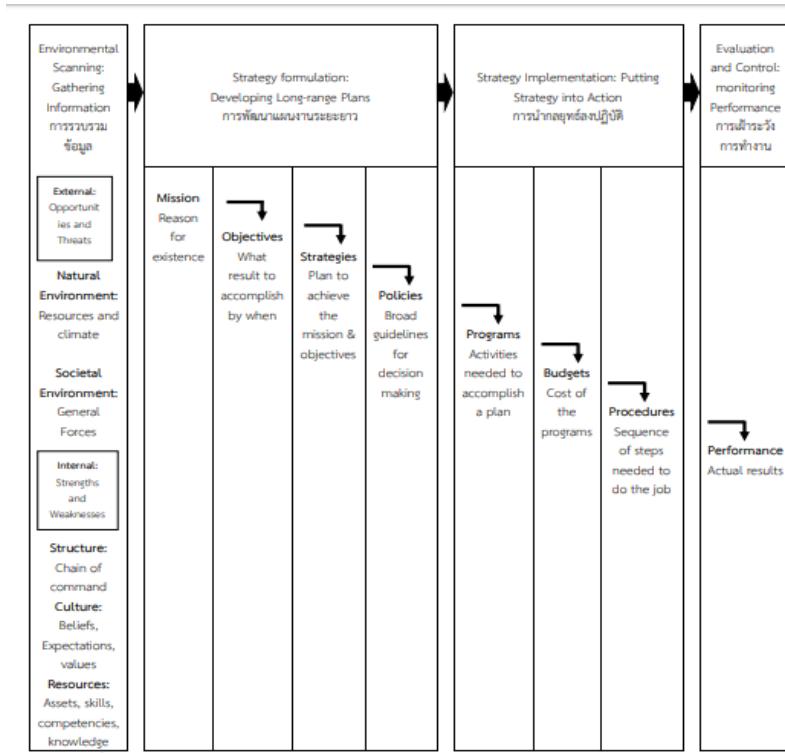
#### The Analysis of McKinsey's 7S Model

McKinsey's Model is the framework to analyze the overall of organization which helps to find the certain issue of the organization and it is the process and leads to improve organization effectively. McKinsey's 7S Model consist of 7 factors of organizational connection and the successful impact to organization which is Strategy, Style Skills, Staff and Shared Values.

Shared values is the ideal of organization existence. Strategy mean the scope of business and the way to create the competitive advantage. Structure is the delegation. System is any platform of the organization. Style is the way of managing. Skill is the expertise and ability. Staff is the qualifications of human resources.

Remark product of organization is a tool and policy of strategic management that is environment survey, strategic policy, strategic implementation and

evaluation and control. The strategic management can be described specifically as followed:



Source: Wheelan, T.L(1981). "Strategic Management Model" adapt from "Concepts of Management". Presented to Society for Advancement of management (SAM), International Meeting, Richmond, VA, 1981.

### Research Methodology

In the research, it primarily uses qualitative research by analytic induction and inductive reasoning which is direct information from the survey area from individuals or organizations along with

secondary information. For example, collected statistics, personal documents such as archives, approved documents, records and also documents or publications published through the media such as radio, television and

critical interpretation which is interpretation or critical analysis to clarify the similarities and differences including strengths and weakness of the particular strategy and policy. These allow from the quantitative research to question for the detail essence by in-depth interview.

Population is consists of expertise or experienced or professionals person who is the target of this research. 1 professional of Court of Justice, 2 doctors, 7 associate judges, 3 psychologists and 3 social workers were amount of sample collection.

The collect data tool for this research is in-dept interview within 3 main scopes as below:

1. Strategic management in the process of justice
2. Strategic management tools for justice process for juvenile and family.
3. The process of strategic management which in the juridical process for preventing critical recidivism

### Data Collection

Researcher collect data from related study documents and in-dept

interview (without strict structure) with the sample in the research

In analysis, synthesis and analysis report, researcher categorize the process of analysis into 3 processes which are:

Step 1: Use the synthesis of information for knowledge.

Step 2: Use the associated person interview to analyze the content and report on purpose.

Step 3: Analyze, Synthesize and suggest the process of strategic management in the juridical process for preventing critical recidivism in Thai from Step 1 and Step 2 in order to answer on the purpose of research.

### Research Result

Researcher implement analysis in the model of SWOT, but give more details on External Factors Analysis Summary (EFAS) and Internal Factors Analysis Summary to identify the relationship or affect strength and weakness including opportunities and threats of the project. It can be shown as table below:

## Analysis table of SWOT Matrix in management of Juvenile and Family Court

<b>INTERNAL FACTOR (IFAS)</b> - Legal support - independent organization  <b>EXTERNAL FACTORS (EFAS)</b> - Social environment - Economic situation - Technological advancement	<b>Strengths (S)</b> - Independent organization - Flexibility of sentence - Having the network of public service as CSR - Having associate justice to support activities and capital - Having foundation supporting activities	<b>Weaknesses (W)</b> - Having high moral - Diversity of associate justice - Staff-psychologist, associate justice - Information system - Limitation to cooperate with other network department - Only integrate within the organization - Limitation on integration with private sector and people
	<b>SO Strategies</b> - New adaptation to organization - Add new strategy - Support private and public sector	<b>WO Strategies</b> - Diversity of AJ occupation widen the vision - Mobilize volunteer from outside
<b>Opportunities (O)</b> - Independent organization - Efficiency of AJ to connect with private sector - Development prospect - Government support - Law support on the integration with Juvenile and Family Court - Receiving sponsor to support the project from other funds		
<b>Threats (T)</b> - No self public relations - Bureaucracy work system	<b>ST Strategies</b> - Misunderstand of helping juvenile offenders - Law flexibility leads to ineffectiveness of elimination social unbenefits - More expense on government	<b>WT Strategies</b> - Outsiders see doing good is for social status - Repetitive policy or strategy - Inconfident of out-of-box thinking

From the table, it can be analyzed from the model of SWOT analysis that process of management of Central Juvenile and Family Court when the strategies are implemented is found that some cause the development and respond to the point of organization. Therefore, the strength of Juvenile and Family Court is to facilitate young juvenile and family with legal support, but some can be processed effectively and efficiently under certain circumstances. Both individuals and

society have the impact on juvenile and family offence heading to the court. Furthermore, there is a change of individuals which is the age qualification of associate judge and judge's agenda. It has all weakness, strength, opportunity and threat as followings:

Strength is independent organization facilitate to the base on justice process and has legal support. It has associate judge supporting activities and capital and foundation also support fund as well.

Weakness is the limitation of public relations from the court to the society and limitation of cooperation to associated department. It only integrates within public organization. Having integration limitation seems to show the weakness on individuals such as psychologists along with associate judge and it also has information technology weakness.

Opportunity is found that it can be further developed with legal support in the integration with Juvenile and Family Court and the project can be funded particularly.

Threat side is found that it lacks the public relations of the change regulation, especially, age and agenda qualification of associate judge which can continue the unconnected part immediately

From the table of SWOT Matrix analysis, in the management of Juvenile and Family Court is found that internal factor of independent organization with flexibility of sentence having network of public service as CSR itself is the significance of strength. In the weakness, high moral of associate judge diversity is

psychologist, associate judge, and information technology.

### Discussion of Research Results

1) Strategic management in the process of justice In present, criminal justice for juvenile and family looks informal, has flexibility, considers individually, does not attach to the process, treatment and rehabilitation, has outside system, and alternative choices for children and juvenile which relate to strategic management of Juvenile and Family Court as current operation that still has issues in many respects. But management process can adjust in order to add new strategy to support public and private service network which helps to volunteer people from outside to diversify the occupation of associate judge. It also gives wider vision of social attitude change of helping juvenile offenders and helps not to eliminate social unbenefits with higher government expense. It creates the perspective of outsiders think that doing good things is for social status which limit the innovative thinking to

help and improve the overall of organization.

2) Strategic management tools for justice process for juvenile and family. These days, juvenile and family choose tools for adaptable situation of juvenile and family offences. So, the clear and concrete tools are (1) Consultation and coordination center at Juvenile and Family Court around the country. Important individuals are psychologists and associate judges who are responsible problems and giving recommendations to juvenile and family offence. (2) Associate judges in the role of consultants and treatments help other process during prosecution. (3) Chulalongkorn Memorial Hospital. (4) Education network agency from public, private and social sector can be described Juvenile and Family Court establish the committee to support and coordinate education for juvenile offence of Central Juvenile and Family Court. The tools that doctors and psychologists utilize will be followed, analyze and evaluate. In the case of doctor Somchat found that importance of evaluation and screening juvenile and

family to better evaluation and correctness would help every department can analyze clearly, correctly and quickly.

By analyzing deeper to the weakness and strength in the table of SWOT Matrix, it can be seen that being an independent with legal support including the government network which seems to be strong and harsh externally. However, due to a part of government network, continuity of managing strategy by general direct period seems to lack, or can be analyzed to improve and develop. It is unfortunately the weakness along with social environment factor that has rapidly changed. Economic situation in each period including technological advancement could slow down the management in the particular sense.

The analysis of 3 cases can be concluded that the vision of doctors and psychologist are the most important for the evaluation and screening the right data and in-dept of offence causes to make decision whether to use which certain tools to be applied with the vision of scholar. Former Supreme Court Justice for Children and Juveniles Prof.

Dr. Vicha Mahakhun agrees to give treatment rehabilitation with the justice process balance and it needs to be effective enough to make them be back to original form like before offence with the support from family, community and government.

### Suggestion

1) Individual strategy would be innovative. For instance, dare to contact with particular departments or dare to publicize results of turning juvenile as normal like before offence.

2) Add suitable strategy or tool for current world situation, change attitude, public relations to suit with technological advancement such as do not attach much with the same strategy even it is beneficial.

3) Strategy to mobilize volunteer from outside is important to help

children and juvenile offence such as spreading more public relations apart from associate judges.

4) Government should legislate a policy to prevent and protect rather than stay alerted and it should be more concrete, rapid, and suitable for flexible and more dangerous offences.

5) Adjust strategic management and encourage work interest of associate judge or related individuals to be proud in their work voluntarily. It may help them to study and visit abroad to further develop.

6) Juvenile and Family Court would represent themselves with the report of the ongoing issue with the resolutions along with the tools and strategy to let society analyze the problem and be prepared for cooperation.

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