



University of Maribor

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Faculty of  
Criminal Justice and Security

# **A COMPREHENSIVE APPROACH TO THE STUDY OF LEGITIMACY IN SLOVENIAN PRISONS**

## **BALKAN CRIMINOLOGY**

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# 1 INTRODUCTION

- ❑ Implementation of guidelines and protocols of Council of Europe, EU and UN in the Penal Sanction Enforcement Act (2000) → shift of primarily focus of penal policy from rehabilitation of prisoners to safety and surveillance.
- ❑ Characteristics of Slovenian penal system today: a) small prison population, b) small capacities of prison, c) openness of prisons, and d) rehabilitative approach of working with prisoners despite increasing punitive orientation of penal policy.



## 2 ACHIEVING LEGITIMACY IN PRISON ENVIRONMENT

- ❑ Legitimacy is based on:
  - the belief that the authorities are trustworthy, honest and concerned about the welfare of the people, with whom they interact; and
  - the belief that it is necessary to accept the power of authority and voluntarily comply with their decisions (Tyler, 2011).
- ❑ Legitimacy is not a fixed phenomenon, but depends on the eternal debate and continuous dialogue between the power holders and recipients (Bottoms in Tankebe, 2012; Liebling, 2011).
- ❑ The dynamic nature of legitimacy is unstable, as prisoners are assessing authority's methods of work and validity of their claims against them (Liebling, 2011).
- ❑ THE IMPORTANCE OF RELATIONS BETWEEN PRISONERS AND PRISON STAFF!



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## **□ Influence factors on prisoners' perception of legitimacy:**

- Trust in authority;
- procedural justice;
- distributive justice;
- effectiveness of the prison staff and deterrence;
- cooperation with the prison staff;
- moral alignment and obligation to obey;
- adjustment of prisoners to prison life and prison subculture;
- social climate; and
- individual characteristics of a prisoner.



### 3 SELF-LEGITIMACY OF THE PRISON STAFF

- ❑ Bottoms and Tankebe (2012) maintained that in order to establish a self-needed legitimacy of the prison officers, beliefs about the legality of their own work, and beliefs that the work is a part of the common moral values of society, are needed.
- ❑ Self-legitimacy is a process of construction, validation, and resistance of a certain self-esteem of a power holder (Tankebe, 2014).
- ❑ Views of society about prison staff and prisons affects self-legitimacy of the prison staff.
- ❑ THE IMPORTANCE OF RELATIONS BETWEEN PRISONERS AND PRISON STAFF!



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## **□ Influence factors on self-legitimacy of the prison staff:**

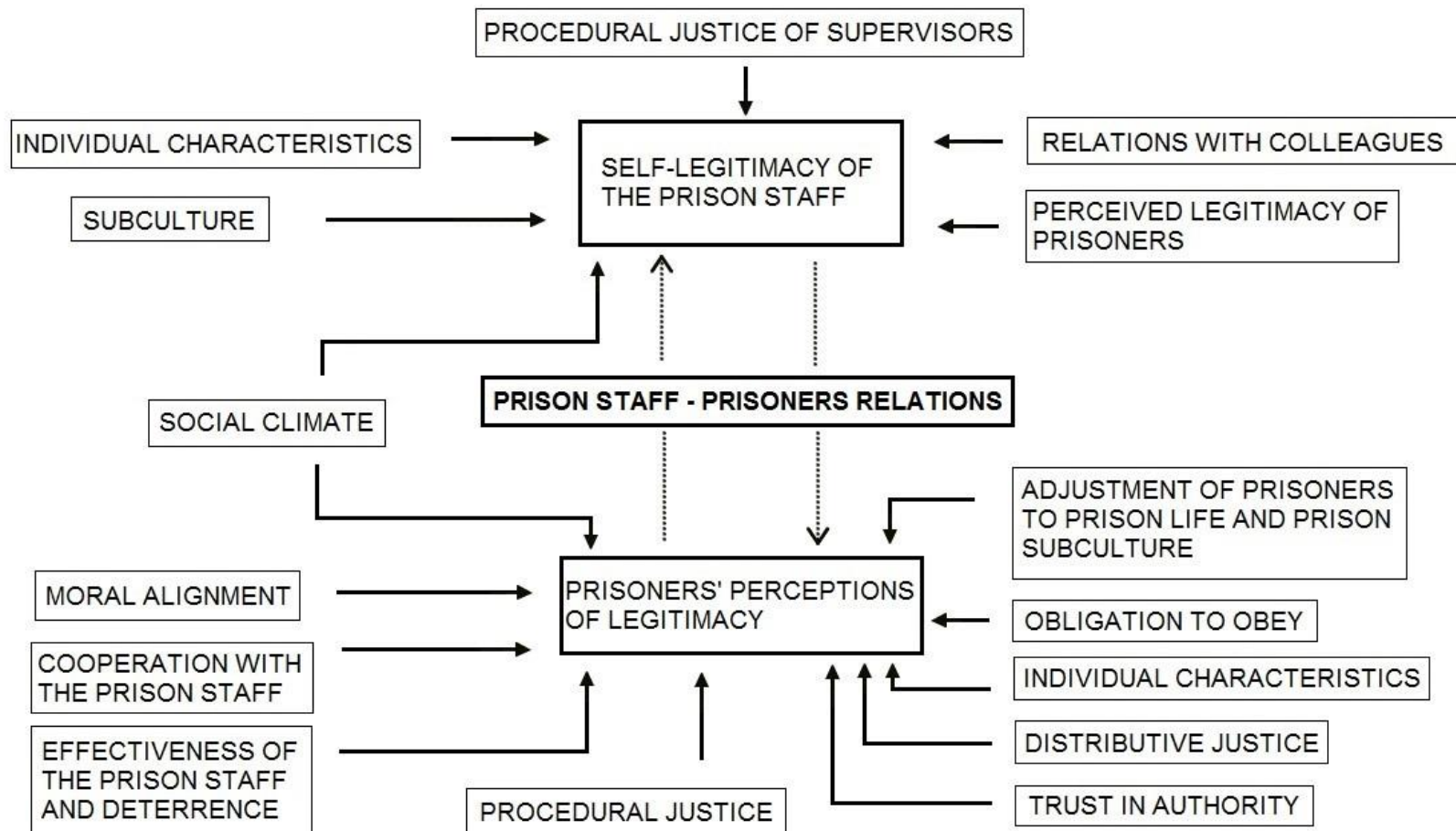
- **Relations with colleagues;**
- **perceived legitimacy of prisoners;**
- **procedural justice of supervisors;**
- **social climate;**
- **effect of subculture; and**
- **individual characteristics.**



## 4 STUDYING LEGITIMACY AND SELF-LEGITIMACY IN SLOVENIAN PRISONS

- ❑ Reisig and Meško (2009) studied the impact of procedural justice and legitimacy on prisoners' misconduct. Results of the study showed that: 1) prisoners' judgements on fairness of procedures in prison does not affect their perception of legitimacy, 2) prisoners' perception of legitimacy does not affect their compliance with prison rules, and 3) prisoners' judgements on procedural justice affect their compliance with prison rules.
- ❑ The pilot study based on a questionnaire on self-legitimacy of prison officers (Meško, Tankebe, Čuvan and Šifrer, 2014) has confirmed that: 1) individual characteristics of a prison officer, 2) procedural justice of supervisors, 3) relations with colleagues, 4) perceived legitimacy of prisoners, 5) prison officers' subculture and 6) relations between prison officers and prisoners affect self-legitimacy of prison officers.

## 5 PROPOSED COMPREHENSIVE MODEL OF STUDYING LEGITIMACY IN THE PRISON ENVIRONMENT







# 6 CONCLUSION

- ❑ A unique Slovenian penal system has enabled a more personal approach in dealing with prisoners.
- ❑ Quality of prison staff - prisoners relations represent the main factor that effects prisoners' perception of legitimacy and self-legitimacy of the prison staff.
- ❑ Prisoners' perception of legitimacy and self-legitimacy of prison staff are somehow connected (interdependent). This inter-dependence can be direct or indirect through various variables (situations, relations and practices in prison).
- ❑ Necessity of a comprehensive approach of studying legitimacy in the prison environment.



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**THANK YOU FOR  
YOUR ATTENTION!**