APPROACHES TO UNDERSTANDING THE CRIMINAL PHENOMENON

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Abstract – This study aimed to analyze the phenomenon of crime theoretically, by evoking the concept within its cognitive contexts, from the perspective of researchers and academics who have dedicated their studies to developing a clear vision of the concept of crime.
The theories that dealt with the subject were varied through the efforts of scientists and researchers belonging to different theoretical ideologies. We find sociological, psychological, biological and even religious theories that aim to understand the criminal phenomenon as a behavior performed by the individual and its impact on society.
Keywords: Criminal behavior;Crime phenomenon; Crime theories; Criminal individual ;Causes of crime.

INTRODUCTION

Sociologists firmly believe that the safety of a society stems from the safety of its individuals, and that each individual plays a pivotal role in building their community. This role becomes effective for the community to the extent that the individual realizes their responsibility towards their peers, striving to achieve the social integration imposed by human life.

Moreover, this role requires thorough preparation for the individual, starting from the first social unit, which is the family, and then extending to include the rest of the social upbringing institutions represented by the school, media, mosque, environment, and peer group. The rehabilitation process is a series of interconnected links that necessarily lead to the normalization of the individual and making them a valuable member of their society. However, poor preparation in the individual's life path may lead them to dissolution and deviance from the behavior that conforms to the values and standards of the society they belong to.

The family has received special attention in most religious laws and civil laws, as it is the basic unit in society and the fundamental building block for its development, cohesion, and well-being. On this basis, legislations have been keen to establish specific rules to regulate the relationships between family members who are united by marriage and kinship. This is to preserve its establishment and cohesion and to establish rules to protect the family from acts that affect its entity and stability. On this basis, some have argued for the necessity of granting the family legal personality to benefit from the protection and characteristics enjoyed by the legal entity.

The family also, in any society of human societies, is considered one of the first and important intermediaries that is concerned with raising awareness and educating the child, and mobilizing values, customs and traditions that contribute significantly to shaping the child's behavior. It is also the first field in which the child faces various cultural influences and variables in society. It is considered the first cell with an educational pattern that officially carries out its mission in the process of social upbringing of the child since his birth. It is the first and determining factor for the child's personality and his behavior towards his society. Therefore, it bears the great responsibility for determining the child's personality. The success of the family in this social function will lead to the development of society in all fields.

In addition to its roles in upbringing, primary socialization, and fostering empathy among community members, the family also determines an individual's social status and position. Failure to fulfill some of these entrusted tasks may lead to deviance and sometimes to crime, as supported by many studies that have linked parental divorce to childhood deviance and adult crime.

However, technological advancements, developments in various fields, and socio-economic difficulties have posed challenges and obstacles to the family, hindering its ability to achieve its goal and role of fostering family social upbringing in line with societal values. These factors have significantly weakened the family's role, leaving it helpless against the power of these influences, which has led to the emergence of many social phenomena, including crime in all its forms.

Many researchers in various fields, including sociology, psychology, and criminology, have sought to understand these phenomena and find analyzes that can contribute significantly to their prevention and radical treatment. This research paper aims to answer several questions, including:

1. What are the conceptual dimensions of the crime phenomenon?

 2.   What are the main trends and theoretical approaches that have contributed to understanding the crime phenomenon?

1.   Study Objectives

In light of the study justifications and based on the various literature that has addressed the phenomenon of crime in its social, cultural, and legal dimensions, and in light of our experience with the reality of Algerian society, which is witnessing rapid transformations affecting the elements and components of its social structure, which have resulted in many effects related to crime and other phenomena closely linked to social disintegration.

Therefore, the current study seeks to achieve the following objectives:

-To identify the factors and forms that crime takes in sociological theory.

-To organize the sociological heritage related to crime.

-To identify the factors and dimensions of criminal behavior.

-To identify theoretical approaches to crime.

2.   Concept of Crime from Socio-islamic and Psychological Perspectives

 Crime is a term derived from the root "crime," which means to cut or sever. It refers to something cut off or severed, such as a tree that is cut off. The term "crime" is also used to describe unlawful gain. For example, it is said that someone "commits a crime against their family," meaning they seek and deceive. This term is specifically used to indicate wrongful and undesirable gain. (Manzur, 1988, p. 445)

Sociologists view crime as a social phenomenon, and criminalization itself is the judgment issued by the community on certain types of behavior regardless of the law's text. Garofalo distinguished between natural crimes, which vary among communities in time and place, conflicting with human principles and justice, such as crimes of assault and theft, and manufactured crimes, which constitute a breach of transformable emotions such as religious and national sentiments. The former is considered to intervene in the true meaning of crime. (Schafer, 1976, pp. 46-47) As for Klare, he pointed out the lack of a diseased definition of crime because crime is always interpreted as a menace to society and is also continuous and insecure. What might be considered acceptable today might turn into deviance tomorrow, as a result of new conflicts arising continuously in society, the existence of new opportunities and methods for breaking the law, and the pattern of freedom. It is a relative phenomenon defined by prevailing social conditions. (al-Saleh, 2002, pp. 70-74)

Psychologists define crime as a manifestation of behavioral disorder, rooted in disturbances in psychological, neurological, and mental growth due to various factors that may have hindered this growth. This leads to deficiencies in some personality components. Burt sees criminal behavior merely as the release of instinctive drives uninhibited by obstacles, suggesting that different forms of deviation, such as theft, assault, rape, and sexual crimes, are expressions of specific instincts. (Jalaluddin & Sayed , 1994, p. 181)

Psychologists also define crime as the satisfaction of a human instinct through abnormal means, not pursued by the ordinary man to satisfy the same instinct because of abnormal psychological conditions that the perpetrator experienced at the time of the crime. (Ramsis, 1983, p. 31)

Crime is also defined as the satisfaction of a human instinct through abnormal means not pursued by the ordinary man in satisfying the same instinct. This disorder, whether quantitative or qualitative, in this instinct is accompanied by one or more mental health issues. At the time of the crime, there is a collapse of higher instincts and a lack of fear of punishment. (Al-Qahouji & Al-Shazli, 1997, p. 13)

Some psychologists argue that crime is a defensive maneuver to alleviate internal conflicts and crises, an extension of deviant personalities, at least an acquired criminal predisposition in early childhood. This predisposition makes the individual more susceptible to the negative effects of the environment and social surroundings. (Matouq, 2008, p. 22)

Islamic law has elaborated on the meaning of the criminal phenomenon since ancient times, and among the prominent definitions, we mention what Imam Al-Mawardi stated, considering it "religious prohibitions that God has forbidden with a punishment or reinforcement. (Mawardi, 1989, p. 377).

Abu Zuhra defined it as "committing every act that God has forbidden, and disobeying what He has commanded. (Zahrah, 1998, p. 22) In the view of Islamic law, crime is the commission of an act

forbidden by religious law and punishable, or the failure to commit an act commanded by religious law, with the abandonment being punishable as well. (Kheder, 1985, p. 46)

Therefore, Islamic law, being comprehensive, has classified some acts as crimes and punished them to uphold God's commands and prohibitions, preserve interests, stabilize society, care for it, maintain the system it is based on, establish justice, deter criminals, correct their wrongful behaviors, and ensure the continuity of society, making it strong, cohesive, and filled with virtuous morals. (Matouq, 2008, p. 42)

3.   Theories Explaining the Crime Phenomenon

Despite the relatively recent scientific approach to the crime phenomenon, we have found a vast theoretical heritage of studies, research, and articles that have attempted to understand the criminal phenomenon from different ideological and disciplinary perspectives, including sociology, psychology, law, religion, and some scientific ideas organized into specific scientific theories to explain the nature of criminal behavior. We have tried to identify the most important trends in understanding this criminal phenomenon, including:

3.1. Biological Theory

This approach attempts to link crime to the biological makeup of the offender, whether in terms of the external physical features of their body or the functioning of their internal organs, and to prove the existence of a correlation between physical deformities and congenital defects, and criminal behavior. It is assumed that there is always a relationship between evil and certain physical characteristics. (Rabie, 1995, p. 92)

César Lombroso emphasized biological determinism and discovered from a study he conducted on 104 criminals that 71 of them came from families with a history of crime. He also studied a series of 383 skulls of criminals after their death, in addition to 5907 living criminals.

Lombroso noticed that the army contains different types of people, some of whom are characterized by evil and rebellion against the system, while others are characterized by discipline and obedience.

Evil soldiers have physical and biological characteristics that distinguish the criminal person from other honest and excellent soldiers, which led him to study the physical or physical characteristics of criminals. These characteristics are consistent with the physical features of primitive man, including obscene tattoos, ugly drawings that criminals used to draw on their bodies, short stature, abundant hair, defects in the chest cavity, small skull size, narrow forehead, protruding cheekbones, and many wrinkles on the skin. , a crooked or crooked nose, and fullness of the two halves, their size, protrusion, and flattening of the ears, excessive size and unusual smallness in their size, large lower jaw, abnormality in the arrangement of teeth, and excessive length in the hands or feet. Lombroso believes that the features of the features and bodies of the criminal differ from case to case, that is, they differ according to his criminal tendencies. The criminal with a tendency to commit sexual crimes is characterized by long ears, flatness of the nose, its size, deviation and closeness of the eyes, length of the chin, depression of the skull. (Saafan, 1966, p. 56), (Mansour, 1982, pp. 23-27)

Lombroso attributed this to the inheritance of these primitive characteristics by people from prehistoric times, and a return to characteristics that distinguished humans in a more primitive stage than the stage of biological evolution of the human race. He called this monster: the primitive man or the natural criminal, making it the title of his famous book published in 1876. He concluded from this that there is a relationship between biological and genetic backwardness and criminal behavior. (Gabr, 1984, p. 89)

The studies of the traditional biological school focused on the factors of crime that are associated with the organic and psychological makeup of the human being, but this concept developed towards stripping the organic makeup of its role, and searching for manifestations of crime in the human psyche, which is what psychologists resorted to to build their theory based on psychoanalysis, which is what we will see in the following title.

3.2 The Psychological Theory:

The analyses of psychologists in their understanding of the criminal phenomenon revolve around the personality of the criminal individual, on the role of psychological factors represented by instincts and emotions in directing criminal behavior. They have given the criminal phenomenon special interpretations that are closely related to images of mental and psychological abnormality, complexes, and psychological complexes. (Obaid, 1992, p. 100)

The supporters of this trend emphasize that crime is a psychological activity that expresses a criminal will, and the will is the sum of the interaction between psychological factors, and it is in these factors

that the direct cause of criminal behavior must be sought. Since crime is a manifestation of psychological activity, this activity can be either normal, abnormal, or pathological.

According to this classification, this trend deals with crime, either as a psychological abnormality, as the school of psychoanalysis went, or as an expression of a mental illness or mental disorder, or by excluding the issue of abnormality and disorder on the grounds that it is not the category included in the search for the cause, and it is not the real field of crime. (Al-Sarraj, 1990, p. 221).

3.3 The Social Theory:

Many scholars have tried to explain the phenomenon of crime, and they have worked to identify the indicators that highlight the phenomenon in society. Among these scholars are sociologists who have played a major role in attempts to explain crime and have tried to limit the social causes or social indicators that directly or indirectly help the growth or extinction of crime.

The first studies in criminal sociology date back to the geographical school "cartographic" led by Geverry et Quetelet and the Marxist school led by Marx and Engels since 1850, where these schools confirm that crime is linked to economic conditions. After years, Lombroso's theory and the Italian positivist school prevailed for two decades, which is a biological theory where it received many criticisms afterwards, where it inspired Ferri to take measures to combine or combine individual and social factors (1898). Ferri says in this regard "All crimes are the result of individual and social circumstances and their impact varies according to the specific local circumstances" and among the factors that Ferri takes into account:

Population density - customs – religion-Public opinion - traditions – family-Education level - degree of industrialization – alcoholism And scientists have added other factors after Ferri, which are: Economic and social living conditions

The opinion of public institutions (legal, political, police, prisons)

Durkheim believes that there is no meaning to crime if attention is not paid to society and culture. This culture does not only carry material elements but also special customs and ranks that have a meaning according to its own value system. Durkheim also contributed the concept of anomie to explain deviant behavior. The following are the most important sociological trends that explain crime. (Bekkada, 2008, p. 68)

3.3.1 The Theory of Imitation:

This theory emerged in the late 19th century and was developed by Gabriel Tarde (G. Tard) in 1890. It was preceded by studies by French scholars on the role or causality of imitation in the emergence of crime and deviance, including:

- Morel (1870)
- Moreau (1875)
- Aubry (1875)

Tarde believed that imitation is the stereotypical element that characterizes social life because it represents the first flash. (Al-Samalouti, 1981, p. 158)

3.3.2 Durkheim-Merton's Theory of Anomie:

The term anomie was first coined by Durkheim and then developed by R.K. Merton in 1957. The idea of anomie allows us to explain a number of cases of psycho-social and cultural maladjustment, of which deviance is one manifestation. (Bekkada, 2008, p. 71)

Merton distinguishes between culture and society and points out the existence of:

- On the one hand, an organized system of values that guides the behavior of individuals belonging to the same group.
- On the other hand, the system of norms and institutional means (accepted by society) that regulate access to the goals defined by culture.

When there is tension between goals and acceptable means, not everyone is able to obtain the means, and they do not have the same ability or skill to use the permitted means.

It is observed that in different societies and stages of their history, the means sometimes outweigh the goals (this is the case of stable and cohesive societies that experience very rapid economic development).

Anomie is defined as a result of the breakdown in the socio-cultural structure. It is a breakdown or rupture due to the very large gap and very strong tension between the proposed goals and the available or legitimate means.

In extreme cases, cultural values can lead to behaviors that are contrary to these values themselves. The lack of fit between culture and society leads to the breakdown or disintegration of norms and the emergence of anomie.

This anomie is a social condition characterized by the absence of norms. Deviant behavior is regulated according to social status, which regulates the access of individuals to the goals prescribed by culture. Under pressure, some choose illegitimate means to achieve their goals. (Gaber, 1988, p. 252)

Social alienation is one of the prominent social theories used to explain the phenomenon of crime. This theory attempts to interpret the factors that contribute to crime. The concept of crime and its existence precedes the criminal. Behavior that conflicts with society is not considered criminal unless it is defined as such by penal laws and punishments. Therefore, it is important to find a theory that explains criminal law and its relationship to the social structure.

According to Durkheim, a proponent of this theory, crime is more prevalent in societies characterized by weak social interaction, isolation, and disregard for individuals. He emphasizes the importance of personal and normative relationships. In his view, the criminal is a person who is socially and culturally isolated, whose social relationships are weak and unsuccessful, and who feels rejected by the community. Consequently, they lack a sense of security and become aggressive. (Tawfiq, 2007, p. 42)

3.4 The Islamic Perspective:

Islamic law does not view the criminal as a devil or a corrupt member of society who must be amputated and eliminated. Instead, it considers the criminal to be in a state of illness that requires care, attention, and support until they recover, regain their health, and reclaim their place in society. They can then work, produce, and benefit themselves and those around them, which achieves security and stability in the community.

Therefore, in its fight against crime, Islamic law does not begin with the criminal. Instead, it begins by addressing the root causes of crime and trying to eliminate them. These are the causes that may drive a person to commit a crime. Islamic law reminds those in authority of the necessity of providing security, food, medicine, and clothing to all members of society equally.

It is narrated that Omar bin Al-Khattab (may Allah be pleased with him) said to one of his new governors: "What will you do if people come to you with a thief or a plunderer?"

The governor replied: "I will cut off his hand."

Omar said: "Then if hungry or unemployed people come to me, Omar will cut off your hand."

It is worth noting that Islamic law has prescribed a punishment for each crime that affects the individual and society, and this punishment is appropriate for the crime and serves as a deterrent. The effect of this becomes clear if we were to replace one punishment with another. For example, if we were to impose the same punishment for multiple crimes, it would become apparent that there is an imbalance and injustice in the rulings.

Moreover, Islamic law does not prescribe a specific worldly punishment for every sin or transgression. There are many deviations where Islam suffices with warning its perpetrators of the wrath and punishment of Allah, and then leaves the matter of determining the worldly punishment to the judge, who should choose what is deterrent and appropriate for discipline. (Sayed, 2017)

CONCLUSION

In conclusion, crime is a social phenomenon that exists in all societies. It is not limited to a specific social class or medium, nor is it associated with a specific time or period. It has existed since the beginning of human history, but it differs in quantity and type from one society to another and from one time to another.

Crime is a social phenomenon that affects individuals in society and its dangers fall on them, and the society is affected by all of this. Despite its small size, it represents unwanted social actions that pose a threat to society by threatening its values, customs, traditions and norms, which are an important part of its culture. Therefore, it needs continuous study and scrutiny, especially in light of the important social, economic, political and cultural changes that societies are building.

At the conclusion of the research, we can put forward some recommendations, including:

-Emphasizing the importance of continuous research and study to better understand the phenomenon of crime.

-Encouraging researchers to develop new theories that explain criminal behavior more accurately.

-Calling for the application of the solutions and suggestions proposed in the research to reduce the spread of crime.

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