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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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UNDERSTANDING CRIMINOLOGY

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ABSTRACT

Criminal behaviour in society highlights the flaws on the part of government. However, government is not solely responsible for the maintenance of law and order in a society as in actual practice, laws are not broken by the government. Laws and rules are established for the welfare and protection of common individuals. Crime is generally an outcome of failure on their part to obey these laws. Any act prohibited by law, if committed, that might lead to prosecution can be understood as crime. The impact of crime is widespread and seemingly endless. Since the ancient period, crime has been a part of our society. In India, Manu, the legendary author, known for his famous Sanskrit law code: Manusmriti has recognised crimes like theft, assault, robbery, adultery, housebreaking etc. Over the period, this term “crime” has reshaped itself taking a modern form and now is a part of very transactional field whether domestic, societal, economic or international. This article deals with the importance of scientific study of crime, criminal behaviour, delinquency, its non legal aspects, blended with principles of areas of study like sociology, psychology etc and coined by the term “criminology”. This field of criminology aims to analyse crime on a broader scale focussing on its impact on the society and knowing its ways of correction as well.

KEYWORDS

Crime, Criminology, Criminologist, Criminality, Delinquent, Psychoanalytic, White-collar, Penology, Victimology

INTRODUCTION

WHAT IS CRIMINOLOGY?

This term “criminology” has been derived from Latin term *crimen*, which means “accusation” and Ancient Greek term *logos*, which means “word, reason”. Criminology is a multidisciplinary field which aims at the scientific study of crime and deviant behaviour using an interdisciplinary approach,

based on the research work and principles of sociologists, psychologists, anthropologists, political scientists, legal scholars. It also deals with the study of processes which deal the system of criminal justice and administration of justice in society.¹

Cesare Lombroso, is known as the ‘father of modern criminology’.

WHO IS A CRIMINOLOGIST?

Criminologist is a professional who studies and conducts research on crime. These professionals largely make use of statistics of crimes which have taken place previously in order to provide necessary data to professionals working in the field of law enforcement. Criminologists focus on why certain crimes are being committed in a society and who are the people actually in these criminal activities. The basic idea of this study is to create a society with lowered crime rate. Criminologists study criminal patterns and work in a close proximity with law enforcement professionals, agencies and penal institutions, to create legislations and policies which would help to prevent and decrease crime. They explore and investigate the intersection between crime and society. Criminologists undertake inquiry and research work, develop a hypothesis and work mainly on three lines:

- Investigation of nature of criminal law, its development and administration.
- Analysis of reasons of criminal behaviour and the personality of offenders.
- Controlling crime and giving proper rehabilitation to offenders.

Therefore, in its ambit, criminology embodies the functioning and activities of law enforcement institutions, judicial institutions, educational institutions, correctional institutions etc. Criminologists study different types of crimes, for example: organized crimes, violent crimes, white-collar crimes, property crimes etc.

Criminologists work with government agencies and legislative committees for framing policies and legislations which would help to lower crime rate and help in correction of already existing anti-social elements.²

¹ <https://en.wikipedia.org/wiki/Criminology>

² <https://www.excelsior.edu/article/career-spotlight-criminologist/>

HISTORY OF CRIMINOLOGY

The genesis of criminology as an area of study can be traced back to the later half of 18th century in Western Europe. During this period, there was a growing concern among the general public regarding the extreme nature of criminal punishments and the arbitrary method of determination of these punishments which included public shaming, humiliation, amputation of limbs, beheading and others acts of severity. The prisoners were kept in inhumane conditions and the prisons were of unorganised nature. The public was largely suspicious about the existence of criminal justice and now it was considered inefficient, ineffective and impotent.

A sociologist named Cesare Beccaria, in 1764, published a discourse, called “On Crime and Punishments”, for proper fitting of a criminal punishment in accordance with the severity and intensity of the criminal act. His work was used by several European nations and U.S. as well to reform codifications of judicial system, prison, punishments and justice. The first ever research on criminal activity was conducted in the early 1800s. The data produced in this research was published in France. It was, further, analysed by various sociologists. Later, America also formulated a new Moral Penal Code which embodied the study of mental health as an influence on deviant criminal behaviour.³

There were different schools of thoughts, which are major milestones in the development of criminology as a field of study. These are as follows:

- Classical school of criminology, in 18th century, developed the basis of modern criminology. It emphasized on rationality, free will, proportionate punishments to reduce crime and reformation of criminal justice system.
- Positivist school of criminology, in late 19th century, focused on the idea of use of scientific methods and formulated a biological reasoning of criminal behaviour.
- Chicago school of sociology, in early 20th century, focused on study of social factors which contribute to criminal behaviour, exploration of relation between criminal activities and urbanisation etc.

³ <https://study.com/academy/lesson/what-is-criminology-definition-history-theories.html>

- Emergence of criminological theories, (throughout the 20th century), such as the control theory, strain theory etc. All these theories aimed at studying different perspectives on social, environmental and human factors which contribute to growth of criminal activity.
- Emergence of critical criminology, from 1960s onwards, emphasized on the injustices and discrimination prevailing within the criminal justice system and necessity of social change and reformation.
- Contemporary criminology: Now, criminology is an interdisciplinary field and includes the study of different areas like white collar crimes, terrorism etc. Contemporary criminologists make use of modern qualitative and quantitative methods to study crime and formulate policies for its prevention.⁴

THEORIES OF CRIMINOLOGY

- **BIOLOGICAL THEORY:** This theory of crime asserted that there is a connection between certain biological reasons and the growing tendency to engage in deviant criminal behaviour. Biological factors are often triggered by environmental causes. There was also a strong debate on the idea that men might be more prone to criminal behaviour. Criminality rate is found to be highest among children whose biological or adoptive parents are indulged in criminal activities.
- **PSYCHOLOGICAL THEORY:** This theory explained delinquent behaviour by keeping focus on an individual's personality and importance. Sigmund Freud's "psychoanalytic theory" is one of the best works to understand the same. He argued that human nature has three components. First, is "id" which demands gratification. The demand for gratification is restrained by "superego" which gives importance to morality. Ego is the rational part of personality which acts as a mediator between id and superego. Apart from this theory, mental illness is also perceived as a cause of some proportion of crimes. Antisocial personality disorder is also strongly related to criminality. Poor parenting techniques such as inflicting harsh punishment on children can also lead to criminality in later life.

⁴ <https://uollb.com/blog/law/historical-development-of-criminology>

- **SOCIOLOGICAL THEORY:** A large number of theories under have developed through use of sociological methods of inquiry. These theories assert that criminality is generally a reaction of psychologically and biologically normal people to certain types of social factors.
- **NEUTRALIZATION THEORY:** talks about how a criminal is able to justify his criminal behaviour by the process of “neutralization”. By neutralization, behaviour is justified so that it becomes morally acceptable.
- **CONTROL THEORY:** emphasizes on the linkage between the criminal and his social group. As per this theory, an individual’s attachment to his parents and his commitment towards ethical and moral values can help him to develop resistance towards criminality.
- **LABELING THEORY:** says that an individual who is once labelled as a criminal, thereby, acquires the identity of a criminal. Even, when he returns to the society, he finds it difficult to get acceptance by law abiding individuals and is regarded as a criminal. He becomes more estranged from lawfulness and criminality often, becomes a result of this.
- **CONFLICT THEORY:** The wealthy and powerful ones, strongly obey criminal law because it is in favour of their self-interest.
- **STRAIN THEORY:** says that people often get indulged in crimes to achieve success in financial and economic terms. This theory believes that people of lower economic class are more likely to commit such crimes as they have limited modes of earning money through lawful ways.⁵

IMPORTANCE OF CRIMINOLOGY

- The basic saying of criminology is that no individual is a criminal by birth. A person gets inclined to criminality because of various factors and circumstances in his social surroundings. So, there is always a scope of improvement, whereby a criminal can be turned into a law-abiding citizen.
- Criminology helps to ensure social security. It helps in improving violators of law and makes them virtuous. Fear of punishment helps to reduce a criminal’s inclination towards crime.
- Professionals who have the knowledge of criminology can also take up social service.

⁵ <https://www.britannica.com/science/criminology>

- Criminology helps to bring stability in society by studying various types of social relationships, social problems and social disorganisation.
- Criminology's sister branches like penology and victimology are of great importance.⁶

CRIMINOLOGY IN INDIA

Despite of its tremendous potential, In India, criminology has been in a state of great neglect. Teaching of criminology at graduation and post-graduation levels is not very vast as there are only few institutions which have criminology as a course at degree and post degree levels. These institutions have also not been able to rapid growth in India. Criminology has failed to develop a stronger base or lay a bold foundation for itself in the country. Despite of its interdisciplinary approach, this field of study continues to remain unexplored. The professionals and researchers who have made significant amount of contribution towards this field have failed to achieve due credit for the same. In India, criminologists who have developed their own theories and principles for explaining criminality and major criminal issues of the country have not been able to closely associate themselves with professionals in law enforcement. Therefore, their theories have not yet been converted into practical policies. Criminology in India also lacks international recognition. In India, the scope of career advancement in criminology is still very restricted.⁷

RELATIONSHIP BETWEEN CRIMINOLOGY AND CRIMINAL LAW:

The study of crime is called as criminology while criminal justice could be understood as application of the concept of criminology. The system of criminal justice comprises of various levels which operate from the lowest to the highest level. Criminal law seeks to investigate crime, punish the delinquents and ensure justice. It also aims at rehabilitating the offenders. Criminal law and criminology also have a strong linkage between them. Both the disciplines are required by the agencies in law enforcement, so as to have an understanding of the mentality and psychology of criminals. Criminology aims to focus on the origin of crime and how it impacts the society in different

⁶ <https://lawstudys.com/introduction-of-criminology-definition-importance/>

⁷ <https://www.legalserviceindia.com/legal/article-987-importance-of-criminology.html#:~:text=Criminology%20is%20the%20scientific%20study,economics%2C%20sociology%2C%20and%20statistics.>

aspects. Criminal Justice is concerned with detecting crimes, arresting the wrongdoers and prosecuting the guilty individuals. Often, this question arises that if criminology is good for criminal law. Criminology is an interdisciplinary discipline which has number of branches for example: forensic science, criminal psychology. All these branches are of paramount importance, in the investigation of any phase of crime. Criminology, therefore, makes use of number of disciplines in order to solve a criminal mystery while criminal law or the criminal justice system generally makes use of conventional methods and same theories for the investigation of any crime. It can be said that both the disciplines of criminal law and criminology are greatly dependent on each other and there exists a symbiotic relation between both.⁸

CONCLUSION

Overall, criminology encompasses a much broader scope and includes different fields of study, for example: penology, victimology, juvenile delinquency, criminal psychology etc. All these disciplines are of equal significance in investigation of crimes. In India, over the past few years, there has been an improvement in the quality and quantity of research in criminology. It has shown growth in certain aspects. In a country like India, if nurtured in an appropriate way, criminology could contribute largely towards the development of a society where proper law and order prevails as it has that promise and potential.

⁸ <https://blog.iplayers.in/relationship-criminology-criminal-law/>