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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated 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

THE CRIME: A CONCEPTUAL UNDERSTANDING

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Abstract

Crime is a public wrong. It is an act strongly disapproved by society. Crime includes murder, dacoities, fraud, rape, etc. Each society has its own perspective of defining crime. For commission of crime, there should be a criminal intention and a criminal act. No individual is a born criminal; the criminal intention and behaviour of an individual are a result of various social, economic, biological and psychological causes. This article concentrates on the concept of crime, its elements, criminology, various stages in commission of crime, causes of crime and types of crime. Introduction: Man is believed to have evolved from an ape-like ancestor. With the evolution of man has evolved his mind and thinking. Man started using the raw leaves, insects and animals as his food. Later, on discovery of fire, he learnt that food was tastier when cooked. He used animal skin to cover his body. He stayed in caves to protect himself from the extremities of the climatic conditions.

Keyword – Crime, Criminology, Causes, types

Introduction:

Man is believed to have evolved from an ape-like ancestor with the evolution of man has evolved his mind and thinking. Man started using the raw leaves, insects and animals as his food, Later, on discovery of fire, he learnt that food was tastier when cooked. He used animal skin to cover his body. He stayed in caves to protect himself from the extremities of the climatic conditions From raw leaves to pizzas and burgers, from fire to micro-wave ovens, from animal skins to pepe jeans, reebok shoes, etc and from caves to skyscrapers, we can see how human mind and thinking has evolved and led to the modern day comfortable and luxurious living. The thinking has evolved in both the positive as well as negative perspectives. Though the human mind created luxuries, due to simultaneous increase in population, many people were

deprived of the basic necessities which led to the development of the negative thinking. People wanted to fulfil their basic necessities at any cost and hence they started resorting to crime.

Crime is an offense which violates the law of state and is dis approved by the society. In olden days, the crime rate was not very high. But as time progressed, the crime rate has increased alarmingly. This increase in crime rate may be due to various causes and social problems.

This article focuses on concept of crime, elements of crime, criminology, various stages in commission of crime, causes of crime and types of crime:

What is Crime –

A crime (or misdemeanor or felony) is an act done by a person which is against the laws of a country or region. A person who does this is called a criminal. The basic idea of what things are called "crimes" is that they are thought to be things that might cause a problem for another person. Things like killing another person, injuring another person, or stealing from another person are crimes in most countries. Also, it can be a crime to have or sell contraband such as guns or illegal drugs. The latter two often fall under the category of victimless crime. When some criminals make money from crime, they try to stop the police finding out where the money came from by money laundering. Men and boys commit many more crimes than women and girls.

Each society may define crime in a different perspective. A crime may be legal or illegal. Illegal and punishable crime is the violation of any rule of administration or law of the state or practice of any wrongdoing and harmful to self or against third parties, provided in criminal law. Legal and not punish-able crime is all acts of self-defence.

What is criminology?

Criminology is a sociological field of study that focuses on criminal behaviour, the circumstances that can lead to criminal behaviour, criminal punishment, and criminal justice systems. The field focuses on why crime occurs, in order to better understand how crime can be prevented.

Elements of crime -

The four essential elements of a crime are: actus reus (the guilty act), mens rea (the guilty mind), causation, and harm. These elements must be proven beyond a reasonable doubt for a prosecutor to establish criminal liability.

1. **Actus Reus (Guilty Act):** This refers to the physical act or conduct that constitutes the crime. It must be a voluntary act, an omission (failure to act when there's a legal duty to do so), or a state of being that is prohibited by law.
2. **Mens Rea (Guilty Mind):** This element signifies the mental state of the defendant at the time of the crime. It involves the intention, knowledge, recklessness, or negligence with which the act was committed. Generally, a crime requires proof of a guilty mind, though some strict liability offenses don't require proof of mens rea.
3. **Causation:** This element establishes a link between the defendant's act and the harm caused. The act must be the direct cause of the harm, meaning the harm wouldn't have occurred without the defendant's actions.
4. **Harm:** This element refers to the damage, injury, or loss resulting from the criminal act. It can be physical harm to a person or property, or harm to reputation or mental well-being. Some crimes may not require physical injury but can still involve other forms of harm.

Stages of committing a crime-

The four stages of a crime

1. Intention:

This is the initial mental stage where a person decides to commit a crime. It's the formation of the mens rea or guilty mind, but without any overt action taken, it's generally not punishable.

2. Preparation:

This stage involves taking steps to get ready to commit the crime. This might include gathering tools, researching the target, or making plans. While preparation is part of the criminal process, it's typically not punishable unless it involves actions that pose a serious threat.

3. Attempt:

This is when the individual takes direct action towards committing the crime. If the attempt is unsuccessful, it's considered an "attempt to commit" the offense and is often punishable.

4. Commission (or Accomplishment):

This is the final stage where the crime is successfully completed. This stage involves the physical act of carrying out the criminal intention and results in the full offense being committed.

Impact of Crime:

Crime has far-reaching consequences, affecting:

Individuals:

Victims experience physical and psychological harm, financial losses, and emotional distress.

Communities:

Crime can erode social cohesion, increase fear and anxiety, and negatively impact quality of life.

Society:

Crime places a strain on law enforcement, the justice system, and social services.

Causes of crime -

Crimes arise from a complex interplay of individual, social, and economic factors. Poverty, inequality, lack of opportunity, and substance abuse are significant contributors, as are social influences like peer pressure and dysfunctional family dynamics. Psychological and biological factors, such as mental health issues and neurological differences, can also play a role.

A- Social causes

B- Economic Causes

C- Psychological causes

D- Biological causes

E- Geographical causes

Social causes of crime:

The social causes of crime include the following:

1. Family disorganization: Family plays the most important role in an individual's life. In olden days, there were joint families and there was always a family control on the children. In urban areas today, each member of the family is busy pursuing their own paths. The children are neglect-ed and family control is lifted up and hence there are no restrictions. Individuals who are a part of nuclear families. and broken families resort to crimes due to lack of love, affection ad proper attention.

il. Upbringing of the individual: Too much strictness causes heavy influence on minds of the children. Scolding and abusing children causes humiliation and irritation in children and they become delinquents.

Moral values are imported to children by their parents. It is the duty of the parents to nourish their children in healthy circumstances. If the parents' resort to illegal acts, the children will

also do the same.

A child is first influenced by his parents and then by his own brothers and sisters. If they resort to illegal acts such as selling block tickets at cinema theatres, the younger ones also tend to do the same acts.

iii. Defective education: Lack of proper education results in poor judgement and the individual will fail to distinguish between right and wrong. Ethical and religious education has no place in the modern education system. Even after completing education, many individuals remain unemployed. Late employment leads to late manage increasing criminal activity.

iv. Hype created by media: Cinemas and newspapers have led to an increase in criminal activity. The hype created by the media relating to different crimes, modus operandi and the consequences motivate young individuals to resort to crimes.

v. Drinking and drug use: The consumption of alcohol and use of drugs of abuse are the most important causes of crime. Under the influence of alcohol and drugs, the person loses his sense of discrimination between good and bad and right and wrong and hence commits crime.

This not only affects the individual but also his entire family.

vi. Unhappy marriages and dowry system: A marriage where a girl or boy dislikes his partner & remains unhappy and may force individuals to commit suicides. Dowry system is also a main cause of crime.

vii. Family planning: In poorer sections of society, parents do not follow family planning and they have a large number of children. But they are unable to fulfil the basic necessities of children due to their meagre income. To fulfil their basic necessities, these children become preys of pick-pocketing, smuggling, prostitution, etc.

viii. War and post-war conditions: Wars in different countries create unbearable social and economic circumstances. The individuals who lose their parents and loved ones during war become prey to bad habits.

ix. Social disorganization: Disorganization in the society or country may affect badly upon the people's living. For example, prior to Britishers, Indian villages were very peaceful and self-sufficient. Due to the British rule in India, rapid changes such as industrialization, urbanization, etc. occurred. Joint families disappeared and nuclear families came in. Unemployment increased. India was split into 3 countries, i.e., India, Pakistan and Bangladesh. During the partition, immigrants flew from one country to another. The immigrants had no food, livelihood. To earn livelihood, these immigrants started illegal acts such as smuggling, weapon-selling, etc. Social disorganization causes decline in the effectiveness of institutional

and informal forces and weakens the social control in communities or neighbourhoods. This results in crime.

Economic causes of crime:

The economic causes of crime include:

i. Poverty: Money is the centre of life. Everything and every relation in this world is dependent on money. Poverty is the mother of crime. The poor people are unable to fulfil their basic necessities. To fulfil the basic necessities, they resort to crimes like burglaries, murders, suicides, etc.

ii. Unemployment: Many young individuals who are continually unemployed resort to suicides due to frustration. Some others resort to thefts, pick-pocketing, robberies, etc. Hence, unemployment is a major cause of crime.

iii. Industrialization and urbanization: Urbanization is the re-sult of industrialization. The long working hours and the petite amount of money they get, results in individuals resorting to crime.

Psychological causes of crime:

The psychological causes of crime include:

1. Intellectual weakness: Weak minded persons tend to criminal activities very easily. Intellectual weakness is a cause of crime.

ii. Mental diseases: The person who suffers from mental disorders tends to do illegal and violent activities. Such individuals become unsocialized, irritable, cruel, obstinate, suspicious, self-centred, lonely, full of feelings of revenge, backward and hypersexual or uncontrolled in their behaviour. Such individual does not repent for his violent acts.

iii. Characteristics of personality: Due to social, economic or psychopathic reasons, an individual may turn into a a psy-chic. An abnormal person possesses degree of freedom, irresponsibility, revolt, homicidal tendency, suspicion, lack of control, sadism, emotions, social maladjustment, ill-behaviour, immaturity, etc. He tends to do violent acts. He becomes naughty, explosive, disobedient and unsocial. He indulges in gambling, cigarette smoking, narcotic drug consuming, breaking things, absconding from house, prostitution, thieving, etc.

iv. Emotional instability: An abnormal individual possesses emotional instability. He does not like discipline. He suffers with inferiority complex. He indulges in criminal be-haviour. He does violent acts with emotions. If his hero steals a diamond from Government treasury, he sees the picture several times and repeats the same act.

Biological causes of crime:

Many biological factors like age, gender, hormones, etc. act as causes of crime.

1. Age: Crime is more prominently committed by individuals in the second and third decades of life.
2. Gender: On a whole, males commit more crimes when compared to females.
3. Body type: Muscular body type individuals are found to commit more crimes.
4. Hormonal causes: Testosterone hormone is Types of crime -

Categorized into several types, including violent crimes, property crimes, white-collar crimes, and organized crime. These categories can be further broken down into specific offenses like murder, robbery, burglary, fraud, and drug trafficking.

Some common type of crime

1. Violent Crimes: These crimes involve the use of force or the threat of force against a person.

Examples include:

Murder: The unlawful killing of another person.

Assault: Intentionally causing physical harm to another person.

Robbery: Taking property from someone through force or the threat of force.

Rape: Sexual assault, often involving non-consensual sexual acts.

Domestic Violence: Crimes committed within a domestic relationship, often involving physical assault, threats, or intimidation.

2. Property Crimes: These crimes involve the taking or damaging of someone else's property.

Examples include:

Burglary: Unlawfully entering a building with the intent to commit a crime.

Larceny/Theft: Taking someone else's property without their consent.

Vandalism: Intentionally damaging or destroying someone else's property.

Arson: Intentionally setting fire to a property.

3. White-Collar Crimes: These crimes are typically non-violent and involve financial fraud or deception. Examples include:

Fraud: Deceiving someone for financial gain.

Embezzlement: Stealing money or property that has been entrusted to one's care.

Insider Trading: Using non-public information to make financial gains.

4. Organized Crime: These crimes are committed by structured criminal organizations.

Examples include:

Drug Trafficking: Illegal sale and distribution of drugs.

Human Trafficking: Exploitation of individuals through forced labor or sexual servitude.

Racketeering: Engaging in a pattern of criminal activity for profit.

5. Other Types of Crime:

Cybercrime:

Crimes committed using computers or the internet, such as hacking, online fraud, and cyberstalking.

Hate Crimes:

Crimes motivated by bias against a person's race, religion, ethnicity, or other protected characteristics.

Drug Crimes:

Illegal possession, manufacture, sale, or distribution of controlled substances.

Statutory Offenses:

Crimes defined by specific laws or regulations.

Inchoate Offenses:

Crimes that are incomplete or attempted crimes, such as conspiracy or solicitation.

This is not an exhaustive list, but it provides a good overview of the major categories and examples of different types of crime.

Conclusion -

The origin of criminal activities has been discussed by different scientific disciplines and various approaches. The article tended to rationalize the query of "why people commit a crime?". It could be concluded that there are various factors which affect the behaviour of individuals and their decision to commit a crime. The article aimed to present different approaches to criminal activities within a society. The research on various approaches to crime makes it intelligible and lucid clear that it is impossible to determine a specific approach to crime which gives an infallible answer to all questions of crime causation and their solutions. However, the different approaches to crime do provide better grounds for the determination of particular policies for dealing with crimes and criminals more smoothly.

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