

## **Criminology**

Criminology is the scientific study of criminal phenomena as both social and individual realities. It focuses on the analysis of crime as an act, the offender as an individual, the victim as the injured party, and the social interaction surrounding these elements.

### **First : Definitions of Criminology**

Criminology is an analytical discipline that seeks to examine the following phenomena:

1. **The Study of Crime:** its definition, classifications, and extent (criminal statistics).
2. **The Study of the Offender:** an analysis of the offender's personality and the psychological, biological, and social motives that lead to the commission of crime.

### **Elements of crime:**

**The perpetrator and criminal responsibility:** no crime exists where the perpetrator lacks legal capacity or accountability.

**The act:** no crime exists where the conduct is justified by law.

**Intent:** there can be no crime without intent.

**The victim:** the occurrence of the criminal act upon the aggrieved party.

**Time and place:** referring to the location and the time at which the criminal act occurred.

### **1- Crime:**

#### **A- Definition:**

A crime is any act or omission prohibited by law and punishable thereunder. Crimes are categorized into various types, such as felonies and misdemeanours, as well as political, economic, and cybercrimes.

Crime is a global social phenomenon present in all societies to varying degrees, and its intensity and characteristics differ according to social, economic, and psychological factors.

**From a legal perspective:**

A crime is any act or omission in contravention of a provision of the Penal Code, for which the law prescribes a criminal penalty or a preventive measure.

**From a social perspective:**

Crime is behaviour that deviates from the accepted social norms and standards of a community, and which is subject to formal sanctions.

**B- Causes of crime:**

**General causes:**

- **Social causes:** such as poverty, ignorance, and unemployment, which may drive an individual—under temptation or distress—to commit unlawful acts in search of relief or subsistence.
- **Economic causes:** including poverty, price fluctuations, and scarcity of basic goods, all of which may compel an offender to repeat criminal behaviour in an attempt to overcome adverse economic conditions.
- **Cultural, media, and civilizational causes:** exposure to foreign cultural models and depictions of crime in media may influence individuals to imitate or replicate criminal behaviour.

**Specific causes:**

- **Absence of religious deterrence:** arising from a lack of sound religious education and moral awareness.
- **Environmental factors:** including the moral climate of one's neighbourhood, school, or workplace—where environments dominated by corruption and vice may encourage delinquency and recidivism.
- **Individual economic factors:** poverty may drive an individual to seek illicit means of income, while excessive wealth may engender greed and criminal ambition.

- **Cultural influence:** the individual's educational and cultural level directly affects their understanding of legal and moral boundaries. Low cultural awareness may foster ignorance of legal consequences and a propensity toward criminal imitation.
- **Psychological deviance:** such as pathological desire for domination, revenge, hatred, or thrill-seeking, which may lead to abnormal and criminal behaviours.

### **C- Types of Crimes:**

- **Felonies and misdemeanours :** crimes are legally classified according to their gravity. Felonies are the most serious offenses and may be punishable by death, whereas misdemeanours entail lighter penalties such as short-term imprisonment.
- **Political crimes:** offenses committed with a political motive or directed against political rights, often subject to special legal treatment.
- **Organized crime:** criminal activity carried out by an organized group of three or more persons seeking financial gain through offenses such as drug trafficking, arms smuggling, or human trafficking.
- **International crime:** offenses transcending national borders and affecting multiple states, whether perpetrated by individuals or by state actors.
- **Cybercrime:** crimes committed through the Internet or digital technologies, typically perpetrated remotely and without physical confrontation.

### **2- The Offender**

The offender is the core and primary agent of the criminal act, bearing full criminal responsibility for its commission. The principle of *presumption of innocence* applies: an individual shall not be deemed a criminal until proven guilty through lawful evidence and conviction.

Criminal responsibility presupposes the capacity for reasoning and free will, as well as the absence of any legal impediment excluding liability.

## **A simplified definition of an offender**

Is a person deemed criminal under the law for having violated a provision of criminal legislation.

To qualify as such, the offender must possess legal capacity, an understanding and voluntary will directed toward unlawful conduct, known in law as the criminal intent, which forms the basis of criminal responsibility and justifies the imposition of penalties serving social purposes.

## **B- Factors and Causes Leading to Criminality**

### **1. Psychological disorders:**

Scientific studies identify several psychological disorders associated with criminal behaviour, including:

- **Antisocial Personality Disorder (ASPD):** characterized by disregard for social norms and laws, impulsivity, aggression, and lack of remorse.
- **Schizophrenia:** in certain cases, hallucinations or delusions may provoke violent or unlawful acts.
- **Mood disorders:** such as severe depression or bipolar disorder, which may lead to crimes motivated by anger, revenge, or self-harm.

### **2. Biological factors:**

Research suggests a biological influence on criminal conduct, such as:

- **Genetic predisposition:** hereditary traits may increase an individual's propensity toward criminality.
- **Neurological imbalances:** brain chemistry anomalies, such as low serotonin levels, may heighten aggressiveness.

### **3. Emotional factors:**

Emotions significantly affect human behaviour and may serve as catalysts for crime:

- **Anger and aggression:** persistent rage may lead to violent offenses such as homicide or assault.
- **Frustration and psychological stress:** some individuals resort to crime as an escape or coping mechanism.

- **Lack of empathy:** individuals incapable of empathy may commit crimes without guilt or remorse.

#### **4. Childhood and upbringing:**

Early childhood experiences and socialization play a decisive role in shaping personality and future behaviour. Contributing factors include:

- **Exposure to abuse and violence:** children subjected to physical, emotional, or sexual abuse are at higher risk of criminal conduct in adulthood.

- **Parental neglect:** unstable family environments and emotional deprivation foster deviant behaviour.

- **Absence of positive role models:** growing up in environments that normalize violence or crime may lead to imitation and habituation of such behaviours.

### **3- theories of criminology**

Criminology is primarily based on the study of crime as a social phenomenon, and has been influenced by three main schools of thought that have offered different explanations for criminal behaviour, which has greatly helped to refine legal systems and criminal justice.

#### **A. The Classical School**

This school emerged during the Enlightenment in the 18th and 19th centuries, with Cesare Beccaria and Jeremy Bentham among its most prominent pioneers. It is based on a fundamental premise: the principle of free will and the social contract. It views individuals as rational and conscious beings who can choose to commit a crime after weighing up the benefits and costs (hedonistic calculus).

##### **• Legal basis:**

- Focus on the criminal act (Actus Reus) rather than the character of the criminal.

- The aim of punishment is general and specific deterrence.
- Punishment is swift, inevitable, proportionate to the seriousness of the crime, and predetermined by law (principle of legality).

**•Its prevalence and legal impact:** It has formed the basis of modern criminal law, particularly the principle of legality of crimes and punishments, and guarantees of a fair trial.

## **B. The positivist school**

This school emerged in the late nineteenth century as a reaction to the traditional school, and was championed by the Milanese trio: Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo. It is based on the fundamental premise that rejects the idea of absolute free will. It views criminal behaviour as determined by individual (biological and psychological) and environmental (social and economic) factors, which drive the individual to commit crime.

### **• Legal basis:**

- Focus on the personality of the offender (delinquent) and their criminality risk, rather than on the act alone.
- The aim of punishment is rehabilitation and neutralising the danger, with the punishment being indeterminate and continuing for as long as the danger persists.
- Lombroso focused on the inherited criminal type (born criminal).

**• Extent of its spread and legal impact:** It influenced the concept of security measures taken against dangerous criminals, the system of variable penalties, and the emergence of juvenile justice.

## **c- The social school (Chicago School)**

emerged in the early 20th century, particularly at the University of Chicago, and focuses on the social context of crime.

•Its basic premise is that crime is primarily the result of environmental and social factors, such as social disorganisation, class inequality, cultural conflict, and Donald Sutherland's Differential Association Theory.

• **Legal basis:**

- Focus on crime prevention by addressing its social and economic roots.
- Views law as a tool in the hands of the ruling class (as in critical Marxist theories) and calls for comprehensive social reform to reduce crime rates.

• **Extent of its spread and legal impact:** It has led to the development of restorative justice programmes, community interventions, and the integration of social factors into alternative sentencing policies.

In fact, modern criminal law draws on all these schools of thought: it takes from the classical school the principle of legal legitimacy and the determination of penalties; from the positivist school, the principle of individualising punishment and reforming the offender; and from the social school, the importance of prevention and addressing the environmental roots of crime.

