

The phenomenon of crime - its concept and the theoretical approaches that explain it -

Karima Mekaoussi ^{1*}, Rebiha Nebbar ²,

¹ University of Batna1 (Algeria)
Mekaoussi. karima05@gmail.com

² University of Hamma Lakhdar (Algeria)
nebbarrebih@gmail.com

Receipt date: 23/03/2022; Acceptance Date: 09/05/2022

ملخص:

لقد حظيت ظاهرة الجريمة بالكثير من الدراسات والبحوث نظرا لعلاقتها بالبناء الاجتماعي للمجتمع وتهديده، فيولد الإنسان على الفطرة السليمة التي لا تمت بصلة للإجرام، لكن تتدخل البيئة المحيطة به في تشكيل شخصيته والتأثير فيه، مما يجعله ينحرف ويمارس سلوكيات غير سوية، و يقوده في نهاية المطاف إلى ارتكاب الجرائم، وذلك بغض النظر عن الأسباب والدوافع الأساسية لارتكابها، سواء تعلق الأمر بالفقر والحاجة أو بالانتقام من الآخرين أو الثأر منهم أو الرغبة بالسيطرة والتحكم أو بدافع المخدرات أو المال أو التهرب من المشكلات التي يعيشها على الواقع و محاولته التخلص منها.

الكلمات المفتاحية: الجريمة، المجرم، الجناح، الانحراف الاجتماعي، المداخل النظرية المفسرة للجريمة.

Abstract:

The phenomenon of crime has received a lot of studies and research due to its relationship to the social construction of society and its threat. Man is born with a sound instinct that has nothing to do with crime, but the surrounding environment interferes in shaping and influencing his personality, which makes him deviate and practice abnormal behaviors, and ultimately leads him To commit crimes, regardless of the basic reasons and motives for committing them, whether it is related to poverty, need, revenge against others, revenge against them, desire for control and control, motivated by drugs or money, or evading the problems he lives on the reality and trying to get rid of them.

Keywords: crime, criminal, delinquency, social deviation, theoretical approaches explaining crime.

* Author Corresponding.

1 – Introduction

Crime is a phenomenon that has haunted man since the beginning of creation and has transformed radically by crossing the territorial borders of states and spreading in a striking manner that included a change in its patterns in the community arena, especially since there are many factors and reasons that push its perpetration, as criminal behavior is abnormal and perverted behavior that is criminalized by laws, controls and customs, which differ. The opinions and perceptions of scientists and researchers in explaining the determinants and factors of the individual and the circumstances that make the individual commit crime in society. Criminal behavior is a complex behavior in which several variables and motives intervene to make the individual a criminal absent from any community.

2– define the concept of crime:

A crime is an act that entails punishment and culpability.

The word crime, with its derivatives, appears sixty-six times in the Holy Qur'an and has different meanings (Al-Bishri, 1999, 83).

Also, the crime is defined as : “a deliberate act that violates the criminal law and requires the imposition of a punishment.” (Lotfi, 2008, 16)

The concept of crime refers to “Doing what he forbade and disobeying what God commanded.” (Bin Azza, Maazuz, 2014, 3)

Abdel Moneim Al-Hanafi (1991) deals with the definition of crime as “An act directed against society, meaning that the criminal, instead of supporting the principles of social solidarity and in the interest of society, acts on other than these principles and opposes them.” (Al-Ghoul, 2007, 66-73)

Garofalo defines crime as: “Every act or omission has been considered a crime in all civilized societies, which has been considered as such throughout the ages because of its conflict with the rules of altruism, mercy, honesty and integrity.” (Rahmani, 2006, 12).

Webster's Dictionary defines it as: "the commission of an act or omission of a duty ordered by the common law of a sovereign state so that this act works to harm the public interest and makes the offender liable to punishment by this law through the state's call against him to charge him with a crime or the official accusation from Public Prosecution, Prosecution, or other criminal proceedings. (Al-Saleh, 2002.74-75).

The concept of crime (criminal phenomenon) from the legal perspective:

The Italian Francois Karrer defines it as “The external action that a person does in violation of a law that stipulates his punishment and which is not justified by the performance of duty or the use of the right.” (Abd el-Khaleq, Ramadan, 2001, 181).

As for the French Lefassour, he defines the crime as: “It is an act or omission to do an act that is entrusted to its owner, stipulated by law, and for which he is punished with a Punishment punitive.” (Bouhraoua, 2014, 5)

Muhammad Najib Hosni defines it as: “An illegal act issued by a criminal for which the law determines a Punishment or a precautionary measure.” (Hosni, 1997, 40)

Moreover, Abd al-Rahman al-Uqbi defines it as: “a behavior that the state forbids because it harms society and it can respond to it with a punishment.” (Al-Uqbi, 1983, 42)

* **The concept of crime (criminal phenomenon) from the legal psychological**

Burt sees that criminal behavior is in the end nothing but a free release of instinctive motives unobstructed by an obstacle, and that it is possible to look at the different types of deviation such as theft, assault, rape, sexual crimes and others as expressions of certain instincts.

From a psychological perspective, crime is defined as “The satiate of a human instinct in an abnormal way that the ordinary man does not pursue in satisfying the same instinct, and that is a quantitative defect or a qualitative anomaly in this instinct accompanied by one or more defects in mental health. ”. (Abdel-Khaleq, Ramadan, 2001, 182).

* **The concept of crime from a philosophical perspective:**

Tissot sees that crime means: “In its broad meaning, a voluntary slip or a voluntary, conscious and completely free sin before others, with us and in it the narrowness of every violation or slip of the positive law.” (Balmain, 2007, 23)

The concept of crime from a sociological perspective:

Those that involve wasting one of the conditions of the society’s existence, or a Circumstance complementing this condition, or that it is an aggression against one of the interests on which society at a certain time establishes its survival and stability and with which it proceeds towards its advancement and perfection.

It is also: "every act or omission that contradicts the values and ideas that have settled in the conscience of the group."

The concept of crime from an anthropological perspective:

Rad Cliffe Brown defines crime as "a violation of prevailing custom, which requires the imposition of punishment on its violators."

Thomas defines it as: "that act of hostility and opposition to the cohesion of the group which the individual considers his own group." (Abd al-Khaliq, Ramadan, 2001, 183-184)

*** The concept of crime according to criminologists:**

"It is every word, action, or omission that leads to harming people, money, or feelings unjustly." (Rahmani, 2006, 16)

The concept of crime in Islamic law:

Moreover, the jurists define the crime as "committing an act that is forbidden or punishable for doing it, or neglecting an obligatory act punishable for its abandonment." (Abu Zahra, 1991, 23)

Al-Mawardi defined the crime as "legitimacy prohibitions, which God has forbidden with punishment or reprimand" (Hishour, Aiboud, 2014, 2)

3 – The relationship of the concept of crime with other concepts:

3-1- The criminal:

- The concept of the criminal according to criminologists: "It is every individual who deliberately commits a behavior that harms oneself, money or feelings.

The concept of the criminal from the psychological point of view: the criminal from the psychological point of view is: "that person who commits a behavior that is criminalized by society, and this leads to the negation of the criminal's character from some people who commit acts prohibited by law and not considered by society as such, and the character of the criminal is established in the right of those He commits an act that society considers a crime, even if the law does not provide for his criminalization."

The concept of the criminal from the psychological point of view:

Psychoanalysts see that the criminal is like a mental patient or a nervous patient, there is no difference between them except that the criminal is sick in his actions, while the nervous patient is sick in his thinking and perception, both of them are like a young child suffering from shortcomings in reconciling his instincts and innate inclinations with the requirements of the external environment in which he

lives, but the nervous a criminal with thought and imagination, and the criminal is nervous about his actions . (Rahmani, 19, 2006)

The concept of the criminal from the legal point of view: “He is the person who was proven to the court to have committed a behavior in violation of the law, and his conviction for this behavior issued a ruling to punish him.” (Al-Samri, 2009, 25)

3-2- Social deviation:

“It is abnormal behavior and it means behavior that is outside the social and cultural norms approved by the social system or one of the groups in it. Therefore, the deviant behavior is in constant change and it changes with the change of groups and the different regions and groups within the same society and it changes over time.”

3-3- Delinquency:

The Romans used the term delinquency, and it is derived from a Latin word that means disappointment and neglect, and now means “outlaws in relation to minors or young people,” and it is “any violations of the law committed by young persons or juveniles and is less serious (Abbas, 2011, 27-29).

So, crime is a deviant behavior in which a violation of human and divine laws, customs and the controls of society, meaning that it is a behavior outside the social and cultural norms enacted by society, and thus leads to harm to the public interest (people, money, feelings, ...) This is what necessitates the imposition of punishment on its violators. As for the criminal, he is that person who has committed a perverted behavior that is criminalized by society and is in violation of the laws and regulations that govern society, and it includes harming others.

4 - Theoretical approaches to explaining the phenomenon of crime in society:

4-1- Sociological theories:

4-1-1- Opportunity Structure Theory:

The theory of opportunity building by Claward and Ohlin was concerned with the explanation of the phenomenon of delinquent groups in the lower classes and the factors that helped the emergence of a special delinquent culture. With perverted opportunities - at the same time - available to the youth of this disadvantaged class to achieve these goals, the separation between what the youth of the lower class desires and what is available from legitimate means is the main source of the problem of adaptation.

The young people of the lower class are characterized by high levels of abilities and skills, and that the level of their ambitions exceeds their class level, but they can achieve only a small amount of actual achievement because the social aspect in which they live does not provide them with fair and sufficient opportunities, which causes them to feel frustration and failure (Al-Samri and others, 2009, 53-54)

Cloward and Ohlin identified three types of delinquent private culture:

- **Special criminal culture:** The continuation of the delinquent culture requires support and reinforcement from the environment and the availability of an integrative pattern between criminals and between the different age levels of criminals, given that the process of learning criminal behavior and acquiring criminal skills and experiences includes a set of patterns of relationships through which experiences are transferred and learned from one age level to Another age level.

Cloward and Ohlin argue that among lower-class youth there are often successful examples of criminal behavior, where senior criminals are a successful trait that pushes young people to follow their example and get close to them, and at the same time, senior criminals want to establish friendly relations with these young people, but it must be emphasized that The learning process alone does not mean that the individual can successfully practice the role he has been trained in. The social structure must provide the opportunity to exercise this role, as there is a complex of interrelationships between criminals and misfits that leads to the establishment of a special delinquent culture.

- **Conflict private culture:** It is characterized by violence, as the position in society can be obtained through the use of force or at least the threat of its use and the use of violence leads to endangering the lives of community members and exposing their property to destruction. Therefore, the conflict private culture is one of the most dangerous forms of delinquent private culture due to the consequences them from the dangers to the members of the community and their property.

Cloward and Ohlin see that the collapsed and poorly organized areas are a suitable environment for the emergence and spread of a special culture of conflict. Those areas are disintegrating, so there are no patterns of criminal opportunities for the lack of integration between the different age levels of criminals, and also there is no

integration between the total of criminal values and the total of traditional values, and this leads in the end to the emergence of a special conflict culture,

In addition, whenever these collapsed areas fail to establish a legitimate social organization that allows individuals to achieve their goals, they also fail to establish a stable criminal pattern because they lack a system of teaching deviant behavior and a system of opportunity to commit that distorted behavior.

– **The special culture of withdrawal:** it is characterized by the tendency of its members towards isolation from society, and they are usually characterized by indifference, and addiction to drugs and alcoholic beverages spreads among them. (Al-Samri and others, 2009, pp. 55–58)

4-1-2- Social conflict theory:

The origins of this theory go back to Marxism, which considers the contradiction between the relations and the forces of production to be the main generator of conflicts in society. The conflict is determined according to the prevailing mode of production, which culminates in the capitalist society in which the capitalist mode of production prevails, and the conflict in this society is formed in a struggle between a possessing class and a non-owning class, the conflict arises from the form of control exercised by the class that owns the revolution, which harnesses all the capabilities of society (the state, law, education, culture, the family) to serve its interests and consolidate its control and reproduce this control. These Marxist ideas developed in the modern critical approach to the study of crime and violence, which is based on a number of postulates:

– Criminals do not differ from ordinary individuals. The difference between them lies in the society's reaction to the behavior of any of them. The society that protects the interests of the dominant groups views any sabotage of these interests as an anti-social act.

– The behavioral rules, laws and general standards are not the product of the natural development of society, but rather the product of class control. Therefore, they do not achieve stability for the social system as much as they generate conflicts and collisions.

Anti-social actions, including those of a violent nature, reflect this conflict, as they come from those who do not see the prevailing values as just and do not see the system of capitalist control as a system that achieves equality among human beings. (Abdo, 2008, 46–47).

4-2- Symbolic Interaction Theories:

It views crime as occurring as a result of the interaction between the individual and society. The most important interactive theories that have attempted to explain crime are:

4-2-1- Association Theory Defferential

This theory was developed by Edwin Sutherland in the thirties, stressing that crime is basically a phenomenon that can be learned by acquisition, and the most important issues he was exposed to is that criminal behavior is learned behavior due to the interaction of individuals in the context of situations that favor and encourage the violation of the law.

In his theory of separation, he aims to explain two forms of crime:

- The first relates to explaining the reasons for the different crime rates in different groups, meaning that he tried to explain why urban residents tend to commit crimes more than rural residents, why males are more successful than females, and why crime rates are higher in poor areas of cities compared to other areas, and to explain this Differences in crime rates Sutherland introduced his concept of "separate or differentiated social organization", which refers to the fact that society is made up of many different groups, some with criminal traditions and some with traditions against crime, and crime rates tend to be higher in groups with criminal traditions for To other groups that have traditions against crime .

Sutherland states that the high crime rate in urban areas can be seen as the end product of criminal traditions in these areas.

As for the second form of crime, Sutherland tried to explain the individual crime, meaning that he tried to explain why some individuals committed criminal behavior. Separate or differentiated social organization.” So Sutherland’s theory was called the separating or differentiated admixture theory. (Lotfi, 2008, 78-79

The separation or divergent mixing theory includes a set of assumptions aimed at clarifying how a particular person is involved in criminal

: behavior, namely

-Criminal behavior can be learned, meaning that criminal behavior is not an inherited pattern of behavior.

-Criminal behavior is learned through the process of communicating and interacting with other people.

The main part of the process of learning criminal behavior takes place in personal groups, that is, impersonal institutions – such as cinemas and newspapers – play a relatively unimportant role in learning criminal behavior.

– The specific guidance of motives is learned through definitions of legal rules as being preferred or not preferred. In some societies, the individual finds himself among people whose attitudes conflict with the legal rules and prefer to deviate from them. In some societies, such as the American society, we find a mixture of definitions of rules legal as preferred or non-preferred.

Interval or varying contacts may differ in terms of frequency, duration, priority and intensity. This means that contact with criminal patterns differs from contact with non-criminal patterns in terms of the frequency of such contact, the duration and intensity of such contact.

– Both criminal and non-criminal behavior are an expression of public needs and values, so criminal behavior should not be explained through these general needs and values. (Al-Samri, 2009, 149-150)

4-2-2- Labeling Theory

Howard S. Becker is considered one of the most prominent American scholars who defended the theory of stigmatization, where he believes that social groups create deviance because they specify the rules that deviation from them and because they apply these rules to specific people they design as external or strangers, and from this point of view, deviation is not a property of the action. Deviant behavior is the behavior that people design as such.

ح – In addition to Howard Baker, we find that S. Cohen asserts that stigmatization can lead to an increase in deviant practices, that is, attempts at social control may describe certain individuals as disgraceful (such as (thug – aggressive – bandit) and thus create conditions in an unintended way to encourage deviation in the same way). The methods that were intended to reduce it, since they force individuals to use the deviant identity as a means of defense, attack, or adapt to the problems created by the social reaction to describing it with these degraded descriptions. Disciplinary or punitive response, and thus the deviant individual begins to isolate himself from the normal society and begins to identify himself and describes himself in deviant terms, then begins to associate with others who are in a similar situation to his,

which leads to his further deviation and pushes the group to take further disciplinary or punitive measures against him.

4-2-3- Anomie Theory

The theory of the anime in terms of development has gone through two stages and each stage had its pioneers :

Durkheim : The race was to use the concept of animus to denote the state of conflict between the desire to satisfy the basic needs of the individual and the means available to satisfy those needs. Integration of social organization. Durkheim made a distinction between physical and moral needs. He considers physical needs to be regular and mechanically arranged things by means of an organic structure, and that the collective mind is the external organizational force that determines the goals that man must represent in his behavior.

But when society is affected by some conditions that affect its balance, such as rapid technological change and wars, then the deviant behavior is the result of those sudden changes. Privileges, and if these people are unable to adapt to their new situation, they will suffer from a feeling of frustration of status, and in such cases where tension and anxiety prevail, the phenomenon of animosity emerges.

Durkheim referred to the concept of animosity for the second time in his book on suicide when he was exposed to the anatomical pattern of suicide, as he attributed that pattern of suicide to what prevails in society in terms of disorder and dysfunction in the system of values and standards of society resulting from sudden sharp changes such as economic crises or sudden prosperity or family disintegration and the like. It results in individual conflicts, lack of control, the collapse of social integration, and the individual's feeling of isolation, which makes him internally feel death and commit suicide.

Robert Merton: Merton drew attention to the patterns of relationship between social goals and values and between cultural means or standards. Through his modification of the concept of anomie, Merton was able to explain deviant behavior in light of the class structure, where he argued that different forms of deviant behavior result from On the inability to achieve goals by legitimate means, and decides that the contradiction between social values and cultural goals is not a sufficient reason for the existence of the phenomenon of animosity and therefore the emergence of deviant behavior if it does not occur in a society dominated by the ideology of equality and opportunities to achieve goals on an equal basis.

And Merton goes to the fact that the case of anomie and the deviant responses it leads to cannot be studied or understood alone through the means available to the individual, but we must take into account the relationship of those available means to the goals of the individual so that the deviant responses can be explained, and the importance of this becomes clear when studying Adjustment patterns. The deviation of an individual cannot be explained by his poverty. It is possible for two individuals who live at the same low economic level that one of them will behave in the normal harmonic response pattern, while the other will behave in the deviant innovative response pattern.

So Merton points out that the breakdown in the cultural structure occurs when there is a disconnect in norms and values and between the abilities of individuals to conform to them, and Merton focuses on the way in which the social construction places restrictions on the cultural construction, and the impact of differences in achieving goals through legitimate means. (Adly Al-Samri, 2009, 38-43)

4-3 – Social Psychology Théorise

4-3-1- Role Theory :

Proponents of this theory point out that the behavior of individuals is nothing but a manifestation of certain roles that we represent socially and that we learn from childhood to represent. Standards of appropriate behavior for the role.

This theory is concerned with the relationships between the nature of role-playing within the family and its relationship to the emergence of criminal or violent behavior among children in general and adolescents in particular, and this theory assumes that failure to perform parental roles during crises of family transformation (such as adolescence) may lead to strengthening Tendencies towards criminality or violence among adolescents who are building new roles for themselves and rebuilding their perceptions about themselves in light of the biological and social changes they are going through, and it becomes necessary for parents to change their roles to become supervisory and advisory

The role theory, in the context of its interpretation of violent behavior, indicates that the trend towards inequality in the sexual role is one of the factors leading to violence, as he (Wofford 1997) emphasized that the role of early socialization related to the sexual role in learning males to be dominant and to use force to

maintain On this control, all this makes these males a willingness to be characterized by marital violence later. (Khamis . Abdo, 2008, 35-38)

4-3-2- Strains Theory

This theory is based on the assumption that life stresses act as external stimuli that affect some psychological processes that may push a person to aggressive or criminal behavior. As triggers of hardship that may lead to violent or aggressive behavior, and the second type is related to environmental pressures such as noise, crowding, pollution, assault on personal space and population overcrowding, and this trend is based on five postulates - identified by "Charles Muller" - Which Many environmental pressures affect the level of arousal. If a person with a predisposition to crime or aggression is exposed to environmental pressures, the level of his arousal from these pressures may accelerate the possibility of the emergence of crime or aggression in him

Environmental pressures may lead to a state of saturation with stimuli, a condition in which the individual is unable to analyze and adapt to the information received from outside.

Environmental stresses can affect human behavior when they directly intervene, causing frustration or feelings of inability to control and control behavior.

Environmental stresses may cause an individual to feel uncomfortable and anxious

The combination of these influences affects criminal or aggressive behavior (Khamis Abdo, 2008, 42-43)

: Conclusion

The crime phenomenon is not like any other social phenomenon that is subject to fixed rules that do not change. Individual and social at the same time, and based on this fact, the criminal phenomenon derived both individual and social characteristics. The criminal phenomenon in society is not the product of a factor only, but the product of a group of social, cultural and economic factors that contributed to the exacerbation of crime and its widespread in society and became a threat to individuals, groups, property and systems.

the reviewer:

- 1- Muhammad Abbas, Manal. (2011). Delinquency and Crime in a Changing World. Alexandria: dar el maarifa el jamiia .
- 2- Rahmani, Mansour. (2006). Criminology and Criminal Policy. Algeria: Dar Al Uloom for Publishing and Distribution.
- 3- Al-Bishri, Muhammad Al-Amin. (1999). Patterns of Crimes in the Arab World. Riyadh: Center for Studies and Research, Naif Arab Academy for Security Sciences.
- 4-Jaafar, Abdelilah Nehme . The cost of crime and its impact on development in Jordanian society. Bb: The Arab Journal for Security Studies and Training (No. 30), volume 15.
- 5-Al-Ghoul, Hussein Ali. (2007). Criminal psychology - framework and methodology, psychological and clinical aspects of the criminal. Cairo: Cairo: Dar Al-fikr el aarabi..
- 6- Lotfy, Talaat Ibrahim. (2008). Studies in criminal sociology. Cairo: Dar Gharib for printing, publishing and distribution.
- 7- Hisham, bin Azza and Luqman, Mazouz. (2014). Pictures of economic crimes and their impact on economic development plans in the Arab world. A study presented at the International Forum on Crime in the Arab World from the Perspective of Social Economy.El wed.
- 8- Ahmed, Abdel Mohsen Badawi Mohamed. (2005). Strategies and treatments for crime and delinquency cases in the mass media. Riyadh: Center for Arab Studies, Naif University for Security Sciences.
- 9- Al-Saleh, Mosleh. (2002). Social change and the phenomenon of crime. Amman: Al-Warraaq Publishing and Distribution Corporation.
- 10- Abdel-Khaleq, Jalal El-Din and Ramadan, El-Sayed. (2001). Crime and Deviance from the Perspective of Social Work. Alexandria: Modern University Office.

- 11- Bouhrawa, Rafiq. (2014). Social factors: delinquency and crime, a study presented at the International Forum on Crime in the Arab World from the Perspective of Social Economy. El-wed.
- 12- Hosni, Muhammad Najib Hosni. (1997). Explanation of the Penal Code. (5th Edition). Cairo: Dar Al-Nahda Al-Arabiya.
- 13- Al-Uqabi, Ibrahim Abdel-Rahman. (1983). Studies in Criminal Sociology. (2nd Edition). Riyadh: Dar Al-Ulum for printing.
- 14-Balmain, Naguib. (2007). Crime and the Psychological Question. Unpublished State Ph.D. Thesis, University of Constantine
- 15-Abu Zahra, Muhammad. (1991). Crime and Punishment in Islamic Jurisprudence (edition 2). Cairo: Dar Al-fikr el aarabi.
- 16-Mohamed Lamin, Heshour and Zitouni, Aiboud. (2014). The social costs of the phenomenon of crime and the role of the state in achieving social integration for young people, a study presented at the International Forum on Crime in the Arab World from the Perspective of Social Economy. El wed.
- 17-Mahmoud Al-Samri, Adly. (2009). Criminal Sociology. Amman: Dar Al Masirah for Publishing and Distribution.
- 18-Abdo, Hani Khamis Ahmed. (2008). The sociology of crime and delinquency. Alexandria. dar el maarifa el jamiia ..