

Crime and the Root Causes of it

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Abstract

This research paper examines the concept of crime, its key components, and the classification of crimes and offenders within a criminological framework. It looks at the root causes, including economic, social, psychological, and cultural factors, that lead to criminal behaviour, particularly in India. The study also highlights effective strategies for preventing crime, such as legal reform, education, community involvement, and rehabilitation. A complete approach is emphasised to ensure justice and public safety.

KEYWORDS : #Crime #Justice #Offenders #CrimePrevention #SocialReform #India #LawAndOrder

INTRODUCTION

Crime is a complex social phenomenon that affects the stability, development and peace of a country as a whole. The crime is all about the breach of the Law punishable under the state. The crime may start from petty theft cases to organised crime as well. A country like India needs to address the root causes of crime to prevent criminal activities and implement policies that enforce law and order.

This research paper explores the concept of crime elements and the classification of crime. Then it will be driven into the underlying cause that leads the people to commit a crime by analysing both the theoretical framework and real-world data. This study contributes to a more comprehensive understanding of crime and offers insights into building a safer, equitable community.

CONCEPT OF CRIME

Law is created to control a man's social behaviour, because the needs of the man and his needs are endless. If there is no law in a society, a man and his social behaviour become cumbersome and eventually the crime rate will boom. The main role of the law is to protect the rights of the person by imposing obligations on other persons. The crime refers to any act that violates the law, and it is punishable by law. The concept of crime is closely tied to the morals of Society, which means the category of a crime may differ from country to country.

According to sociology, Durkheim says that a society without crime is not at all possible. He elaborates that the perspective will differ from society to society. According to his theory, one may consider something as a crime. It does not say as same as other countries do.

For example, alcohol, conception is illegal in a Muslim country and marrying a minor will be legal in that same as well it does not apply to any other country.

In very simple terms is an act that intentionally or unintentionally causes harm to another person, concerning the law. The first Law Commission of India, 1834, defines the crime: only a person who knowingly engages in a legally prohibited act with malicious intent does it constitutes a criminal offence.

To consider something a crime, there must be a need for some essential elements.

The elements are,

1. Human Being
2. Mens Rea
3. Actus rea
4. Injury

1. HUMAN BEING

To consider something as a crime, the first essential element is a human being. The person must be aware of the consequences of the act and must violate the rule of law. And the act must also be capable of being punished.

2. MENS REA

Mens Rea is a Latin term that means guilty mind, for a crime to be committed. The intention of a person is the most necessary. Any wrongful act committed by a person without any evil intention. It does not consider crime so hence the intention is necessary, and also it is determined by the circumstances of the particular case.

3. ACTUS REA

Actus Rea is a Latin term that means guilty act; no crime can be committed without guilt. Hence, to be considered a crime, there must be a wrongful act.

4. INJURY

The criminal act should be accompanied by an injury, which is physical, mental or monetary, with violation of a law of the state.

Hence, these are the four essential elements to consider as a crime.

Crime is not only a several category that we see in a newspaper, where aspects of crime are classified into several categories.

- Felonies vs Misdemeanours - By security
- Union Vs State - By jurisdiction
- Crime against a person, Property, or Society- by Target

The term Felonies means a serious offence. It includes murder, kidnapping certain types of assault, for which the punishment exceeds three years or even capital punishment.

misdemeanour

It is less serious offences like petty theft, public nuisance, and punishment may be a fine, less imprisonment, etc.

In the Indian context, Felonies vs misdemeanours is replaced by bailable, non-bailable offences. The term Felonies means Non-bailable offence, which limits the individual's ability to obtain bail, and the term misdemeanor is replaced by a bailable offence; the person will easily get bail.

In our country, law and order fall into a union list, which was mentioned in the seventh schedule of the Indian Constitution. Certain crimes should be dealt with at the union level, which as terrorism, which was handled by the National Investigation Agency. Crime like drug trafficking was handled by the NDPS Act. The state and local jurisdiction means that most criminal cases are handled by the state police and state-level judiciary. Cases such as sexual offences, domestic violence, assault, et cetera.

Crime against a person :

The crime against a person or a property is target oriented, for example, murder, acid attack, rape, et cetera. These are known as crimes against a person.

The crime against society:

The crime against society is that some offences are against public morality, such as prostitution, hate speech, and drug-related offences

Crime is not only about theft, rape, and sexual offences, but it also has several kinds such as,

1. Crime against a person
2. Crime against property
3. Crime against morality
4. White collar crimes
5. Political crimes
6. Religious crimes
7. Juvenile crimes
8. Organised crime

1. Crime against a person

A crime against a person is known as a crime that only happens to a particular person. It's all about the target-oriented. For example murder, robbery, assault rape, Hence these are known as crimes against a person.

2. Crime against property

Against property means a crime without bodily harm, for example, crimes like burglary, arson, theft, et cetera.

3. Crime against morality

If there is a crime, there must be an offender and a victim. Is a crime possible without a victim? Yes. It's against morality, for example, prostitution, illegal drug use, et cetera.

4. White collar crimes

White-collar Crimes are committed by a person who lives in a society with good status and wealth conditions, but is involved in crimes as Tax evasion, Fraud, and misuse of public funds

The very great real incident is Vijay Mallya.

5. Political Crimes

Political crimes refer to illegal acts that are carried on with the political objective of disturbing the political order of the state. This can be done against the government or by the government, or between the political parties.

It can be said that crimes against a state, such as terrorism, attacks on government officials, or public property, etc

For example 2002, Gujarat riots

Crimes by the state

Crimes by the state, abuse, power or violation of human rights and the Constitution, such as police brutality or Political repression.

6. Religious crimes

Religious crimes involve violence, discrimination or hate crimes, committed based on religion. These crimes are committed by individual groups or even state actors. This religious crime may come under Political crime as well.

In India, the major religious crimes include

1. Attacks on places of worship
2. Hate speech and propaganda
3. Communal riots/violence, et cetera

The real incidents, especially in India, are,

- 1984 anti-Sikh riots
- 1992 Babri masjid demolition & 1992-93 Riots
- Mob lynching of the Muslim community (2015-present)

7. Juvenile Delinquency

Juvenile Delinquency is are crime that was committed by a child who is young and under the age of 18.

8. Organised crime

Organised crimes are not only as Mafia a reference to any group involving the distribution of illegal goods and services to others, such as drug trade, prostitution, weapon smuggling, etc cetera

Types of offenders

The offenders were classified into several types based on their criminal history, such as

1. First-time offender
2. Repeat offender
3. Habitual Offender

1. First-time offender

First-time offenders are the people who committed the crime for the very first time and do not have any prior criminal records.

2. Repeat Offender

Repeat Offender means a person who has committed a crime in the past.

3. Habitual Offender

A habitual offender is a person who is regularly involved in criminal activities.

Based on the nature,

Criminals were classified into several types, such as,

1. Violent offender	Crimes like Murder
2. Sexual offender	POCSO, Online sexual exploitation
3. Property offender	Crime like Theft
4. Cyber offenders	offences under the mentioned IT Act,2000
5. Drug offender	Drug Offenders- (offences under the NDPS Act,1985)

Table 1

Based on Age and Capacity,

1. Juvenile offenders	below the age of 18 years, with a focus on reforms over the punishment
2. Mentally ill offender	not held criminally liable, if they did not know the nature of the act due to the mental illness.

Table 2

To prevent crime, we need to be aware of the root causes of an act. An individual cannot be considered as a person's outcome. Moreover, it can be considered as the influence of social factors such as economic, Societal hierarchy, political influence, corruption, drugs, et cetera.

1. Economic

The first major factor is economic hardship and unemployment due to the lack of education, educational opportunity, and poverty rate will increase the crime rate. Hence, crime becomes a survival of the people. The people involved in the petty theft cases to organised crime.

The people who are rich are also involved in white collar crimes, such as Fraud, tax evasion, etc.

They decide towards money will become unstoppable

For intense parts of Bihar and Uttar Pradesh, the high unemployment rates have been linked to an increase in crimes like snatching, theft, etc, etc.

2. Social inequality

Social inequality, especially the caste system, plays a major role in fueling criminal activities. For the past few years, honour killings and violence in marginalised communities have increased. Especially in Uttar Pradesh, caste-based violence and religious disputes were fuelled over according to a report from 2020 - 22, over 41,000 cases were recorded for the violence against marginalised communities.

The lack of education and caste pride in the individual leads to caste-based crime, also government failure plays in major role in it, such as weak law enforcement, and failure to provide education and awareness.

3. Influence of peer pressure

Behaviour is largely influenced by interaction with others. The people who were under 18 or adults considered crime as cool, the people they surrounded made them commit crime as fun, it was often influenced by the cinema and various environmental conditions.

4. Drug Usage

Drugs and crime are closely related. When an individual gets addicted to drugs, it leads them to go to any extent of illegal activities. The people believe they can only help them sustain themselves.

A large number of drug addicts turn to crime, which has led emergence of the drug mafia and smuggling operations.

5. Political Usage

Politics and crime are interlinked. There are several politicians in India the criminal records. Also, the influence of weapon usage to resolve Political conflict among youngsters was rising, and the unstable political situation increased in the crime record.

6. Gender-based violence

A large portion of crime was based upon gender, which was given by the patriarchal system, even though it was prohibited by the general, such as domestic violence, dowry, death, honour, killing sexual assault still exist. Also, certain kinds of criminal activities were rooted in cultural norms.

The victim-blaming problem is also deeply rooted in gender-based violence.

7. Religious Conflict

Even today, religious disputes among individuals may take precedence over the basic human rights of others. The unawareness of education and ideological differentiation often leads to disputes between the citizens of the nation.

8. Psychological issues and mental health

Mental health has been neglected in India, especially the rural areas. Mental health disorder violently increases crimes.

To Prevent Criminal Activities

India, with its vast population, various cultures, and economic disparity, often faces issues with law and order. To prevent crime in India, a comprehensive multi-layer strategy is needed to address the root causes of criminal activities.

Strengthening the law enforcement system:

Firstly, the implementation of the law needs to be done. The government need to focus on improving the quality and accessibility of the police system. Need to be done to prevent criminal activities, and the main role is to build trust between the police and citizens.

Addressing economic inequality and unemployment:

As we saw, the main causes of crime are economic inequality and unemployment, so to address this, we by provide policies that raise awareness of existing policies and make people know the depth value of education and empowerment.

Legal literacy camps:

The legal literacy campus, especially in the rural and tribal areas, is necessary to be aware of their rights and raise their voices in any situation

Tackling social injustice and discrimination:

To address the crime that often thrives in an environment of marginalisation, people should strengthen laws such as the SC/ST Prevention of Atrocities Act to prevent caste-based violence. Also, affirmative programmes like reservation may help to address Gender-based discrimination and discrimination.

Rehabilitation centre:

Counselling helps to rehabilitate the offenders by providing facilities like Tihar Jail's factory and establishing local counselling Centres to address anger, management, conflict resolution, etc cetera.

Conclusion:

Crime prevention in India cannot be done by imposing punishment or stronger policies. It requires a holistic approach that focuses on social inclusion, economic opportunities, Justice, education, et cetera. By addressing a systematic approach to the causes of crime, a country like India can build a safer and fairer society for all.

References:

1. Crime: A conceptual understanding- assistant professor, T Sowmya, Forensic Science, University of Science, Osmania University of Hyderabad.
2. National Crime Records Bureau