

## Chapter-13

# Basic Concept of Crime

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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 behavior 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. 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.

### Introduction

Though the human mind created luxuries, due to simultaneous in-crease in population, many people were deprived of the basic necessities which led to the development of the negative thinking. People wanted to fulfill 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 disapproved by the society. In olden days, the crime rate was not very high. But as time progressed, the crime rate has in-creased 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 ?

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 punishable crime is all acts of selfdefense.

### What is criminology ?

The scientific study of the nature, extent, causes, and control of criminal behavior in both the individual and in society is called criminology.

### Elements of Crime

For an act of crime to be accomplished, the following four elements are needed :-

- **Individual**- The first and the most important element for commission of a crime is an individual who has an intention and is prepared to commit a crime.
- **Mensrea**- Mensrea in Latin means "guilty mind". For a crime to be committed, a criminal intention is an essential element.
- **Actusrea**- Actusrea in Latin means "guilty act". For a crime to be committed, along with a criminal intention there should also be an external act.
- **Injury or hurt**- The criminal act should be accompanied by an injury or hurt which is physical, mental or monetary which violates a law of state.

### Stages of Committing a Crime

The commission of crime involves four stages :-

- **Intention** - For the commission of crime, the first important stage is criminal intention. However, just having a criminal intention is not punishable until it is conveyed to someone else in words or by acts. Example - An intention to kill someone.
- **Ground Work** - To commit a crime, prior preparation is necessary if the crime is intentional. It is difficult for the court to punish an individual purely based on a preparation plan until and unless it is executed. For example - murder, dacoity, etc.
- **Preliminary Crime** - An attempt to commit a crime is considered as preliminary crime. An attempt should include a criminal intention, an act towards committing a crime and an act of crime which is not completely accomplished. Example - Attempt to murder.
- **Completion of Crime** - This is the last stage in commission of crime. The criminal completes the crime. A suspect is guilty of an offence only if he succeeds in his criminal activity. Example - Successful accomplishment of murder.

### Causes of Crime

No individual is a born criminal, it is the situations and the conditions around the individual which make him act as a criminal. There are several causes which make an individual turn into a criminal. The main causes of crime are :-

- **Social causes of Crime** - The social causes of crime include the following :-
  - \* **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 neglected 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 and proper attention.
  - \* **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.
  - \* **Defective Education** - Lack of proper education results in poor judgment 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 marriage increasing criminal activity.

- \* **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, movie operandi and the consequences motivate young individuals to resort to crimes.
- \* **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.
- \* **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.
- \* **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 fulfill the basic necessities of children due to their meager income. To fulfill their basic necessities, these children become preys of pick-pocketing, smuggling, prostitution, etc.
- \* **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.
- \* **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 neighborhoods. This results in crime.
- **Economic causes of Crime** - The economic causes of crime include :-
  - \* **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 fulfill their basic necessities. To fulfill the basic necessities, they resort to crimes like burglaries, murders, suicides, etc.
  - \* **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.
  - \* **Industrialization and Urbanization** - Urbanization is the result 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 :-
  - \* **Intellectual Weakness** - Weak minded persons tend to criminal activities very easily. Intellectual weakness is a cause of crime.
  - \* **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-centered, lonely, full of feelings of revenge, backward and hypersexual or uncontrolled in their behavior. Such individual does not repent for his violent acts.

- \* **Characteristics of Personality** - Due to social, economic or psychopathic reasons, an individual may turn into a psychic. An abnormal person possesses degree of freedom, irresponsibility, revolt, homicidal tendency, suspicion, lack of control, sadism, emotions, social maladjustment, ill-behavior, 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.
- \* **Emotional Instability** - An abnormal individual possesses emotional instability. He does not like discipline. He suffers with inferiority complex. He indulges in criminal behavior. 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 :-

- \* Cities or counties with larger populations have higher crime rates. Poorly maintained neighborhoods correlate with higher crime rates. High residential mobility is associated with a higher crime rate.
- \* More taverns and alcohol stores, as well as more gambling and tourist establishments, in an area are positively related to criminality.
- \* There appears to be higher crime rates in the geographic regions of a country that are closer to the equator.

### Types of Crime

Based on the medium which is being affected, crimes are of the following types :-

- **Personal Crimes** - Personal crimes are those crimes which target an individual person. These include murder, assault, sexual assault, etc. :-

- \* **Assault** - Illegally attacking an individual with weapons like gun, knife, etc. in a severe manner is called assault. Assault results in severe injury. Domestic or family violence also involves assault.
- \* **Homicide** - Unlawfully killing an individual is called homicide or murder.
- \* **Sexual Assault** - Sexual assault involves rape.
- **Property Crimes** - Property crimes are those crimes in which the target is a materialistic property :-
  - \* **Burglary** - Illegally entering into a property and committing theft is called burglary.
  - \* **Theft** - Illegally taking away one's property without force and without the notice of the owner. Example: Pick pocketing, Shoplifting, Stealing bicycles, etc.
  - \* **Arson Fires** - Deliberately putting one's property such as a building, motor vehicle, etc. on fire is called arson fires.
  - \* **Automobile Theft** - Unlawful theft or attempted theft of a motor vehicle.
  - \* **Vandalism** - Damaging public or private property without permission is referred to as vandalism.
  - **Victimless Crimes** - These are acts against moral values of an individual. Com-missions of crime like prostitution, illegal gambling, illegal drug use, etc. are examples of victimless crimes. Since these crimes do not have an identifiable victim, they are called victimless crimes.
  - **White-Collar Crimes** - Crimes committed by individuals belonging to high society. The crimes are committed to a large extent in their work place :-
    - \* **Embezzlement** - Misusing money or property of an organization for an individual's personal use.
    - \* **Identity Theft** - Unlawfully using a person's social security number, credit card number, etc. for financial gain is termed as identity theft.

- \* **Fraud** - Deception of one party by another party for personal or financial gain is called fraud.
- \* **Corruption** - is the use of power by government officials for illegal private gain. It includes bribery, embezzlement, etc.
- **Organized Crimes** - Are defined as acts which are committed by two or more criminals as a joint venture in an organized manner. These crimes involve kidnapping, dacoities, marketing of illegal or prohibited goods, money laundering, trafficking people, buying votes, etc.
- **Juvenile Delinquency** - Also called as youth crime. It is the crime committed by an individual under the age of 18 years.
- **Computer Crime** - Cyber crime is an act of crime that involves computer and a network. The computer may have been used in the commission of a crime, or it may be the target. Net crime refers to criminal exploitation of the internet. Examples of the computer crime include cyber terrorism, cyber war-fare, harassment on the internet, spam, internet fraud, etc.
- **Violation of Public Safety** - The violations of laws which threaten public safety are included under violation of public safety :-
  - \* **Disorderly Conduct** - Acting in a manner potentially threatening oneself or other people.
  - \* **Driving under influence of Drinks and Drugs** - driving under the influence of alcohol or drugs may prove threatening to the individual as well as the public. Constant checks are conducted by police officials in whom the alcohol testing devices are used.
  - \* **Terrorism** - Violence against the normal people living in the society.

### Conclusion

Crime is a public wrong. It is an act of offense which violates the law of the state and is strongly disapproved by the society. Crime is defined as acts or omissions forbidden by law that can be punished by imprisonment or fine. Murder, robbery, burglary, rape, drunken driving, child neglect and failure to pay taxes are examples of crimes. The term crime is derived from the Latin word *crimen* meaning offence and also a wrongdoer. Crime is considered as an anti-social behavior.

A conceptual understanding of crime, criminology, elements of crime, stages of commission of crime, causes and types of crime will help in the crime investigation and will help the criminal justice system in the administration of justice. It is clear from the above article that no individual is a born criminal and it is only the conditions around him which make him resort to various crimes like murder, acuties, fraud, etc.

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