

Crime Prevention - criminological and philosophical milestones

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Abstract: *Crime has many forms of objectification in daily life. How to get there and what are the criminogenic factors that favor the criminal phenomenon, are questions that await an answer depending on the evolution of the phenomenon that seems increasingly complex from one generation to another. More generally, it can be mentioned that the dynamics of the phenomenon cannot be detached from the social environment; it is in turn in a permanent evolution. Preventing the phenomenon should be a priority at all levels, which still does not happen. However, the aspect of crime prevention can be summarized in detail from both a criminological and a philosophical perspective, in order to understand the colossal importance of preventive measures.*

Keywords: *criminology; criminality; crime prevention.*
Încadrarea subdomeniului: *Philosophy of law*

Introduction

A reputed criminologist [1] is wondering more rhetorically if the law breakers have their own morals. Starting from this problem, we can examine whether some relationships between morality and crime can be established. A hypothesis belonging to the classical philosophy states that morality is an essential barrier to crime, as opposed to cultural relativism that supports diversity within social groups.

Thus, for classical moralists, man is a being who obeys the norms of the group to which he belongs, within the global society there is a core of universally accepted values. On the other hand, for cultural relativists the rules of conduct are relative, divergent and often conflicting. For the former, crime is a violation of moral norms, and for relativists it is a manifestation of obedience to the norms of a subculture.

1. Moral, a form of social control

In contemporary society the divergent and contradictory nature of some rules of conduct is not denied. Despite this circumstance, the contemporary society considers that apart from special fields such as drug use, in other areas of social life such as family, work, education, religion, there are no fundamentally contradictory opinions about good and evil, on the universal core of accepted values such as those which say: do not kill, do not steal, etc.

In relation to the foregoing, we can say that morale was the oldest and most constant form of social control. To this the idea of sin that precedes the perception of crime in society is added. In this way we identify mainly the manifestation of evil in different forms in society. The evil that harms the universally recognized values of society at a given moment is both immoral, but also undesirable, being sanctioned as

such. In the collective perception, the harm caused to a social value is regarded not only as a manifestation of evil, but also as a crime, regardless of whether the act by which the evil occurred is provided or not by the criminal law, as it does not escape the moral law. Such acts do not therefore fall only within the sphere of law, but, more importantly, we say, in the sphere of morality.

Referring to the typology of the person who for various more or less rational reasons chooses the immoral and illicit conduct, the specialized literature often brings into question the individual aware of his lack of value and with a precarious education for which the only variant to ensure himself a style of life valued by society is the criminal conduct. This would be the only choice that would easily provide him with access to the financial resources necessary to meet certain objectives valued by the society at a certain time.

We put pertinent and natural questions about the elements that can define the value of a human being and whether the level of school or vocational training has a determining weight for him to be valuable. We consider that these aspects need to be considered for the most accurate identification of the weights of the criminogenic factors stated in the criminogenic process.

As an example there may be mentioned the manner in which Alfred Adler, nearly 100 years ago, thought about the attributes of a valuable person. In this sense human knowledge represents a determinant element: *"But the best connoisseur of men will be, of course, the one who himself has experienced all these human passions. The sinner who repents seems to be not only for the present times, but also for the times when religions were born, the type to which the highest value was conferred, and which stands above a thousand honest people. If we ask ourselves how things are like this, we must recognize that a man who rose above the vicissitudes of existence, snatching himself out of the mud, who found the power to leave all this behind him and to rise, will necessarily be the best connoisseur of both the good and the bad parts of life. From this point of view nobody overcomes him and, above all, not the honest man"* [2].

2. The process of preventing immorality and crime

Starting from the outlined ideas, we can say that in the process of preventing immorality and crime as well as within the re-socializing strategies, the elements that seek to strengthen the criminal's willingness to abandon the act are crucial. For this, society must first of all offer real and easily perceptible alternatives that favor social reintegration as much as possible. Elements such as safety in society, concrete alternatives on ensuring a decent life, together with clear and prompt consequences of an antisocial behavior, can play a key role.

The current society in general and the current Romanian society in particular are far from offering solid elements in these directions. In addition, the propagation by mass media of crimes that mark the society at a time, without giving a legal-social explanation to the presented phenomenon, better offers the image of a failure regarding the future limitation of such behaviors. We think it would be useful that the manner of solving of such cases and whether and to what extent the law was enforced on the authors of these crimes to be presented even in the form of news in the media.

A last such an example that took the public opinion in the summer of 2019 is the case of the criminal from Caracal. Looking at the information in the media, we naturally wondered how this multiple crimes could be committed and especially what is to be done to prevent such a situation. In this regard, we intend further on to offer an answer that is more focused on moral criteria than on criminal policies. The choice made is justified by the desire to avoid comments from the media, more or less relevant, which accentuated deficiencies of the system, without correlating them with the naivety of the victims. We are trying to move our comment away from the banal sterile discussions that, in order to maintain public enthusiasm, had an instigative character ended with more or less based accusations against some public persons.

In our opinion, in the etiology of such phenomena an essential role is represented by the fact that for the badness or mild mental disorders, often pointed out by psychologists, there is no sanction at the level of the legislative policies. It is true that at present the moral conduct and the confession represent archaic inclinations for some people, which have been replaced by the sessions with the psychologist or psychiatrist. Even if the psychologist or psychiatrist, following some sessions, would realize the badness or dangerousness of a patient, he does not have at hand a text that would allow him to at least preventively report the respective antisocial inclination of the individual. On the contrary, the confidentiality to which the doctor or psychologist is linked prevents any impulse to act. The only possibility that remains in this circumstance is prescribing a treatment that is sometimes not even followed or that is not likely to prevent antisocial behavior.

In the second plan, we can mention that the getting away of the contemporary society from moral values, religion and the appearance of indifference or the distancing of the individual from the other fellows, all these brought a low respect for the life of the neighbor. This is no longer perceived as having a divine origin, despite the fact that life could not be created in the current context of the revolution in the field of medicine and especially genetics. From the relativizing of life, which has always been among the most important social values, to crimes committed against it, such as killing with all its forms, there is only one step left.

3. System imperfections and social reaction

Another aspect that should not be neglected relates to the imperfections of the system which can often endanger the safety and freedom of the citizen. By delimiting ourselves from the comments from the press that did not address issues linked to morale, education or mannerliness (or when they were mentioned in some comments it was just to emphasize political issues), we mention that a possible explanation of the situation can be found in an about 2,000 years old text, Psalm 11, verse 8: *„Because, when good-for-nothing people rise up, the wicked ones stream everywhere”*. If the psalmist David managed to contain in words such a situation, it is clear that the circumstances we have experienced today have existed in the past and probably will exist in the future. It is essential to understand that not the existence of such situations must disturb the citizen, but the lack of reaction that must lead to the eradication of the imposture that can penetrate at a time also the higher levels of the society, based on the party client's criteria, through blackmail or degrees of kinship.

Prompt social reaction to this phenomenon can maintain the competence and fairness of all social policies. On the other hand, the prevention of crime should be placed in the priority plane. A preventive role can be played at the social level that public *fides* towards the institutions and the people who do justice. This cannot be outlined in a society where according to the voices of the current mass media the *goddess with the scales leaves the impression that she is psychotic*. Allegations of this kind, that we delimit ourselves from, merely maintain public enthusiasm, without scientific or even coherent foundation.

The ideal would be, as stated in the specialized literature, that *“the public authority acting with complete fairness and even altruism, should dispel any suspicion of the person who is in front of it, gaining as such the confidence of that person. The person living in such an environment, under the protection of public authority, should manifest unreserved realism. Of course, it is an idyllic form of relationship between the public authority and the person, for whose construction the work time seems eternal. Until then, the person must benefit from safe and efficient means of protection against the public authority and correlatively with committing its responsibility - social, political or legal responsibility”* [3].

Conclusions

In a social context where morality is no longer a barrier against crime, and the law can be declared relative or contradictory, without it to be able to defend the citizen from possible abuses, the Juvenal's dictum *Quis custodiet ipsos custodes?* become current.

At the point where we ask ourselves, more or less relevant, who, or rather what, can guard us from those who have a duty to guard us, serious questions seem to arise about the inseparable link between law and moral or good manners. This connection either no longer exists, in which case the law can no longer fulfill the initial roles within the social mechanism, or the law is built on other criteria detached by the moral of the past, but also by the procedures and purposes of the present.

In the first case we recall the words of Caesar Beccaria. He stated that "*laws are the conditions under which independent and isolated people have united in the society, tired to live in a continuous state of war and to enjoying an unnecessary freedom because of the uncertainty to preserve it*" [4]. The prevention, said the quoted author, can be done indirectly, by the way the laws are made and by the way they are observed, mainly, by the magistrates. Laws must protect classes of people and not individuals, they must be clear and good, be unambiguous and should not defend the interests and privileges of the few. In these circumstances, people would become afraid of laws and not of other people.

The observance of the laws is realized as a result of human virtues or for fear of punishment. Criminal resolution will always be chosen when the crime benefits outweigh the risks. On the background of an often precarious education, individuals no longer pay attention to the public perception that only legitimately acquired wealth can be considered a reward for skills. Thus, it comes to taking risks to receive a punishment prescribed by the criminal law in consideration of the economic advantages, neglecting the consequences of punishment.

With regard to the second case, it should be borne in mind that the legal norms generally aim to order and discipline social relations, to guarantee legal certainty, to eliminate possible conflicts, and to bring peace and stability into place [5]. Legal security, in turn, designates the security status of individuals and of the society conferred by legal normality by observing its requirements [6].

At present the notion of "law" is very comprehensive, including in the common sense both the laws (the constitution, the constitutional laws, the organic laws) as well as the other legal normative acts (decisions, ordinances, emergency ordinances, etc.). On the grounds of formal and material criteria, the law was defined in the current specialized literature as "*the legal statutory document adopted by the legislative body and by the procedure established for this purpose, by which, within its legislative competence, it sets the general and repeated application rules, the achievement of which is ensured by virtue of state coercion*" [7].

In the defense of the citizen in a state of rule of law, there come multiple institutions with the role of control, among which can be listed the Constitutional Court through which the a priori or subsequent control of the laws is ensured, the People's Advocate who can be notified by any citizen under the law, the control of administrative acts (either by way of gracious appeal or by way of litigation according to Law 554/1994) and last but not least the control exercised in the legal system by the Superior Council of Magistracy as well as the control of the decisions of the courts on the remedies by means of double or triple degree of jurisdiction.

In relation to the foregoing, we consider that any departure of the legislative policies and of the legal professionals within all the specialized professional institutions and organizations from morals and the rules of natural law, will lead to the emergence of legal instruments whose compliance with will be difficult even for a diligent and conformist citizen, and the institutions will lose their credibility precisely due to the emergence and gradual accentuation of the gap between justice and justice. Priority should be given to legal

research in general and especially to research in criminology, to prevention of crime in general and prevention of the separation of the normative acts from good manners.

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