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THE PSYCHO-SOCIAL AND LEGAL ASPECTS BEHIND CRIMES IN A SOCIETY

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Abstract:

The aim of this paper is to uphold the very framework of the society in order to scrutinize and provide an in-depth knowledge about the psychological and sociological aspects that surround the occurrence of crimes within an individual within this framework. Therefore, the purpose of this paper narrows down the key elements within the said subject while keeping its approach individualistic, dynamic and thus suitable for a wide range.

Keywords: Behavioral influences, cognitive response, Strain theory, Critical criminology, Forensic psychology, Insanity defense, Juvenile Justice Laws, Sociological aspects, crime, deviance, strain theory, social learning theories, conflict theory, societal structures, norms.

Understanding criminal behavior requires a comprehensive examination of the psychological factors that drive individuals toward unlawful actions. This paper aims to explore various psychological theories and their implications for criminology, shedding light on the intricate relationship between the human psyche and criminal conduct.

1. Biological Theories:

Biological theories posit that certain innate factors contribute to criminal behavior²⁴⁴. Cesare Lombroso's concept of the "born criminal" exemplifies this perspective, suggesting that physical traits could identify predispositions to criminality. Modern genetic research further explores the link between genetics and criminal behavior²⁴⁵. Biological factors such as brain abnormalities may influence impulsivity and aggression, contributing to criminal actions²⁴⁶.

2. Psychodynamic Perspective:

Rooted in Freudian principles, the psychodynamic perspective emphasizes the

role of unconscious processes and unresolved conflicts in criminal behavior²⁴⁷. Childhood experiences and repressed memories may shape criminal tendencies. While this perspective has limitations, it offers insights into the deep-seated psychological roots of criminal conduct²⁴⁸.

3. Behavioral Theories:

Behavioral theories, including operant conditioning and social learning, focus on learned behaviors contributing to criminality²⁴⁹. B.F. Skinner's operant conditioning suggests that behavior is shaped by consequences, while Albert Bandura's social learning theory underscores the role of modeling and observation in acquiring criminal behaviors²⁵⁰. These theories highlight the influence of the environment on shaping criminal conduct.

4. Cognitive Perspective:

The cognitive perspective delves into faulty thinking patterns, cognitive distortions, and irrational beliefs as contributors to criminal behavior²⁵¹. Aaron Beck's cognitive theory posits

²⁴⁴ Lombroso, C. (1876). *Criminal Man*.

²⁴⁵ Beaver, K. M., Wright, J. P., & DeLisi, M. (2008). Biosocial criminology: A primer. *Journal of Criminal Justice Education*, 19(1), 12-32.

²⁴⁶ Raine, A. (1997). Biological factors in the development of antisocial behavior. In D. M. Stoff, J. Breiling, & J. D. Maser (Eds.), *Handbook of antisocial behavior* (pp. 289-304).

²⁴⁷ Freud, S. (1930). *Civilization and its discontents*.

²⁴⁸ Hollin, C. R., & Howells, K. (1987). *Antisocial behavior: Theory, research, and treatment*. Psychology Press.

²⁴⁹ Skinner, B. F. (1953). *Science and Human Behavior*.

²⁵⁰ Bandura, A. (1977). *Social learning theory*.

²⁵¹ Beck, A. T. (1967). *Depression: Clinical, experimental, and theoretical aspects*.

that individuals with criminal tendencies may harbor distorted perceptions and dysfunctional thoughts that lead to unlawful actions. Cognitive-behavioral interventions aim to address and modify these patterns²⁵².

The Sociological Front

Crime is not solely an individual act but a social phenomenon shaped by various sociological factors. This paper delves into the sociological dimensions of crime, emphasizing how societal structures, norms, and interactions influence deviant behavior.

- **Strain Theory:**

Strain theory posits that societal structures, particularly the disjunction between cultural goals and legitimate means to achieve them, contribute to criminal behavior²⁵³. Merton's Strain Theory suggests that when individuals face barriers to success through conventional means, they may turn to unconventional methods, leading to criminality²⁵⁴. This theory emphasizes the role of structural strain in the manifestation of deviance.

- **Social Learning Theories:**

Social learning theories propose that criminal behavior is learned through interactions with others, particularly within social networks²⁵⁵. Edwin Sutherland's differential association theory asserts that individuals acquire criminal norms and values through association with delinquent peers²⁵⁶. The social environment becomes a crucial factor in shaping deviant behavior, highlighting the impact of socialization on criminal tendencies.

- **Social Control Theories:**

Social control theories focus on the mechanisms that prevent individuals from engaging in criminal behavior²⁵⁷. Travis Hirschi's Social Bond Theory posits that strong social

bonds, including attachment to family, commitment to conventional activities, belief in moral values, and involvement in social institutions, deter individuals from deviating from societal norms²⁵⁸. The breakdown of these bonds may increase the likelihood of criminal engagement.

- **Conflict Theory:**

Conflict theory underscores the role of social inequality and power struggles in the creation and enforcement of laws²⁵⁹. Karl Marx and later theorists argue that the legal system serves the interests of the powerful and may criminalize behaviors that challenge the existing social order²⁶⁰. The unequal distribution of resources and opportunities can lead to criminal behavior as a form of resistance or survival.

- **Social Structures and Neighborhood Effects:**

Societal structures, such as poverty and inequality, significantly impact crime rates. Communities with high levels of poverty, residential instability, and weak social ties are more likely to experience higher crime rates²⁶¹. The neighborhood effect emphasizes how the characteristics of a community can influence individual behavior, fostering or inhibiting criminal tendencies²⁶².

- **Labeling Theory:**

Labeling theory explores how societal reactions and labels contribute to criminality²⁶³. Howard S. Becker argues that individuals labeled as deviant may internalize this label and engage in further criminal behavior²⁶⁴. The stigmatization resulting from societal reactions can perpetuate a cycle of deviance.

- **Societal Reactions and Stigmatization:**

Societal reactions to crime, including the criminal justice system's responses, play a crucial role in shaping future behavior.

²⁵² McGuire, J. (2002). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 357(1427), 1557-1577.

²⁵³ Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, 30(1), 47-87.

²⁵⁴ Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3(5), 672-682.

²⁵⁵ Akers, R. L. (1973). Deviant behavior: A social learning approach.

²⁵⁶ Sutherland, E. H. (1939). *Principles of criminology*.

²⁵⁷ Reckless, W. C. (1936). Social problems and the problem of social disorganization. *The Journal of Criminal Law and Criminology (1931-1951)*, 27(5), 815-828.

²⁵⁸ Hirschi, T. (1969). Causes of Delinquency.

²⁵⁹ Marx, K., & Engels, F. (1848). *The Communist Manifesto*.

²⁶⁰ Chambliss, W. J. (1975). *Beyond Caring: Hospitals, Nurses, and the Social Organization of Ethics*.

²⁶¹ Sampson, R. J., & Wilson, W. J. (1995). Toward a theory of race, crime, and urban inequality. *Race, Crime, and Justice: A Reader*, 101-125.

²⁶² Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas*.

²⁶³ Becker, H. S. (1963). *Outsiders: Studies in the Sociology of Deviance*.

²⁶⁴ Lemert, E. M. (1951). *Social Pathology*.

Stigmatization, discrimination, and exclusion of individuals with criminal records may hinder their reintegration into society, fostering a cycle of recidivism²⁶⁵. The social consequences of a criminal label extend beyond legal implications.

Case Studies:

Illustrative case studies provide concrete examples of how psychological theories manifest in real-world criminal behavior. Examining high-profile cases, such as those involving serial offenders or white-collar criminals, allows for a nuanced understanding of the diverse ways psychological factors can influence criminal conduct²⁶⁶.

Examining case studies provides concrete examples of how sociological theories manifest in real-world criminal behavior. From the impact of neighborhood characteristics on crime rates to instances where societal reactions exacerbate criminal tendencies, case studies offer a nuanced understanding of the complex relationship between society and crime²⁶⁷.

• **R v. Cunningham (UK, 1957):**

Facts of the Case: In R v. Cunningham, the defendant, Mr. Cunningham, had been living in a house where he tampered with the gas meter to avoid paying for gas. In doing so, he caused gas to leak into the neighboring property, where the residents suffered from gas poisoning. As a result, Cunningham was charged with unlawfully and maliciously administering a noxious thing, namely, the gas.

Legal Issue: The main legal issue in this case was whether Cunningham's actions met the mens rea requirement for the offense of maliciously administering a noxious thing. The term "maliciously" in the statute implied that the defendant acted with either an intent to cause harm or a reckless disregard for the consequences of their actions.

Court's Decision: The case was heard in the Court of Appeal (Criminal Division). The court held that for the offense of maliciously administering a noxious thing, the prosecution must prove either an intent to cause harm or recklessness as to whether harm would result from the defendant's actions. The court further clarified that "maliciously" did not require proof of ill-will toward a specific individual but rather encompassed reckless behavior regarding the foreseeable consequences of the defendant's conduct.

In Cunningham's case, the court found that his actions in tampering with the gas meter were reckless. Even though he may not have intended to harm anyone specifically, he acted in a manner that showed a reckless disregard for the safety of others by causing a gas leak. Therefore, the court upheld Cunningham's conviction under the Offences Against the Person Act 1861.

Significance: R v. Cunningham is significant in English criminal law as it clarified the meaning of "maliciously" in the context of the offense of administering a noxious thing. The case established that recklessness, rather than specific intent to harm, could satisfy the mens rea requirement for this offense. This decision has since been influential in shaping the legal principles surrounding recklessness in criminal law.

• **Sell vs. United States(2003):**

Background: Charles Sell, a dentist, was indicted on charges of Medicaid fraud and making false statements. He was found incompetent to stand trial due to mental illness. The government sought to forcibly medicate him to restore his competence for trial.

Legal Question: Whether the government can forcibly medicate a mentally ill defendant to render them competent to stand trial.

Decision: The Supreme Court held that the government can forcibly medicate a mentally ill defendant under certain strict conditions.

Reasoning:

- **Government Interests:** The Court recognized that the government has an

²⁶⁵ Pager, D. (2003). The mark of a criminal record. American Journal of Sociology, 108(5), 937-975. Pager, D. (2003). The mark of a criminal record. American Journal of Sociology, 108(5), 937-975.

²⁶⁶ Egan, V., & Perry, J. (2001). Putting the criminal into a criminal psychology. Legal and Criminological Psychology, 6(1), 1-12.

²⁶⁷ Akers, R. L. (1991). Self-control as a general theory of crime. Journal of Quantitative Criminology, 7(2), 201-211.

important interest in bringing to trial individuals accused of serious crimes, including those found incompetent to stand trial due to mental illness.

- **Medical Appropriateness:** Before forcibly medicating a defendant, the treatment must be medically appropriate, which includes considering the risks and benefits of the medication.

- **Side Effects:** The medication must be unlikely to have side effects that may interfere with the defendant's ability to assist in their defense or undermine the fairness of the trial.

- **Less Intrusive Means:** The government must show that less intrusive means (such as less drastic medications or alternative procedures) are unlikely to achieve the same results.

- **Narrow Application:** The Court emphasized that its decision was limited to cases where the government's interests are sufficiently important, the treatment is medically appropriate, the risk of side effects is minimal, and no less intrusive alternatives are available.

Conclusion:

The Supreme Court ruled that under certain circumstances, the government can forcibly medicate a mentally ill defendant to render them competent to stand trial. However, the decision set forth strict criteria that must be met to justify such forced medication, emphasizing the importance of medical appropriateness, minimal risk of side effects, and consideration of less intrusive alternatives.

This case established a framework for evaluating the constitutionality of forcibly medicating mentally ill defendants in the criminal justice system, balancing the government's interests with the individual's rights and the principles of due process.

• **Jyoti Singh (Nirbhaya) Gang Rape Case (2012):**

The Jyoti Singh Pandey gang rape case, commonly known as the Nirbhaya case, is one of the most infamous incidents of sexual

violence in India's recent history. The incident sparked widespread outrage and led to significant changes in India's laws and attitudes toward sexual assault. Below is a detailed case study of the Nirbhaya case:

Background: On the night of December 16, 2012, a 23-year-old physiotherapy student, later identified as Jyoti Singh Pandey (Nirbhaya is a pseudonym given by the media which means "fearless" in Hindi), boarded a private bus with a male friend after watching a movie in South Delhi, India. The bus was being driven by Ram Singh, who was accompanied by five other men: Mukesh Singh, Vinay Sharma, Akshay Thakur, Pawan Gupta, and a juvenile (aged 17, whose identity remains protected under Indian law).

The Incident: Inside the bus, the group of men, who were reportedly intoxicated, taunted the couple and soon turned violent. They beat Jyoti's friend with an iron rod, rendering him unconscious, and then proceeded to brutally gang-rape Jyoti Singh. The assault included severe injuries such as genital mutilation and internal organ damage caused by the iron rod. After the assault, the attackers dumped both victims on the roadside. Passersby noticed them and informed the police. They were rushed to Safdarjung Hospital, where Jyoti underwent multiple surgeries to treat her grievous injuries.

Legal Proceedings: The Delhi Police launched a massive manhunt and arrested all the accused within days of the incident. The juvenile was tried separately in a juvenile justice court, while the other five were tried in a fast-track court.

The case garnered international attention, leading to widespread protests in India demanding justice for Jyoti Singh and stricter laws against sexual violence. The protests sparked discussions about women's safety, victim rights, and the inadequacies of India's legal system in dealing with such heinous crimes.

Verdict and Sentencing: In September 2013, the fast-track court delivered its verdict. Mukesh Singh, Vinay Sharma, Akshay Thakur, and Pawan

Gupta were found guilty of rape, murder, and other charges. They were sentenced to death by hanging.

The juvenile involved was sentenced to three years in a reform facility, the maximum punishment permissible under Indian law for a juvenile offender.

Aftermath and Impact: The Nirbhaya case had a profound impact on India's legal and social landscape:

Changes in Laws: The incident prompted the Indian government to amend its laws related to sexual assault. The Criminal Law (Amendment) Act, 2013, introduced stricter punishments for sexual offenses, including rape.

- **Fast-Track Courts:** Fast-track courts were established to expedite the trials of sexual assault cases and ensure swift justice.

- **Awareness and Activism:** The case sparked nationwide discussions on women's safety, gender equality, and the need for societal changes to combat sexual violence.

- **Global Attention:** The Nirbhaya case received extensive coverage in international media, highlighting the issue of violence against women in India and other countries.

- **Legacy:** Jyoti Singh Pandey's story became a symbol of resilience and sparked movements advocating for women's rights and safety worldwide.

Overall, the Nirbhaya case remains a tragic reminder of the challenges women face regarding safety and justice, while also serving as a catalyst for significant legal and social reforms in India.

• **Gopinath Ghosh vs. State of West Bengal (AIR 1982):** In the Gopinath Ghosh vs. State of West Bengal case (AIR 1982 SC 949), the Supreme Court of India dealt with the issue of juveniles in conflict with the law. The case highlighted the importance of treating juvenile offenders with care, emphasizing the principles of juvenile justice and rehabilitation.

The court stressed the need to protect the rights of children, especially when they are accused of committing offenses. It underlined the significance of the Juvenile Justice Act, which

provides for the care, protection, treatment, development, and rehabilitation of children in conflict with the law.

The judgment in this case emphasized that juvenile offenders should be treated differently from adult offenders due to their age and immaturity. The court advocated for a system that focuses on the well-being of juveniles and their reintegration into society rather than punitive measures.

Overall, the Gopinath Ghosh case set a precedent for the treatment of children in conflict with the law in India, emphasizing the importance of juvenile justice, rehabilitation, and protection of their rights.

Conclusion

We can say in psychological factors, understanding the individual psyche is foundational for effective crime management. Psychological theories, such as those exploring biological predispositions, psychodynamic influences, and cognitive distortions, provide valuable insights into the roots of criminal behavior. By acknowledging the impact of genetic factors, early childhood experiences, and distorted thought patterns, the legal system can better tailor interventions that address the underlying issues propelling individuals towards criminality. Implementing assessments of psychological well-being and providing targeted psychological interventions are key components in this process. Rehabilitation efforts must consider the diverse range of psychological influences on behavior, acknowledging that a one-size-fits-all approach may be insufficient.

In sociological factors we can say the legal system must equally consider the broader societal context within which crimes occur. Sociological theories, including strain theory, social learning theories, and conflict theory, illuminate how societal structures, norms, and inequalities contribute to criminal behavior. By addressing the root causes of strain, providing avenues for positive social learning, and addressing systemic injustices, the legal system can contribute to the prevention of crimes at

their source. Furthermore, an understanding of the impact of societal reactions and stigmatization is critical in developing fair and effective justice systems.

In this a nuanced understanding of criminal behavior which requires the integration of psychological and sociological insights. For instance, a person facing economic strain (a sociological factor) may resort to criminality due to underlying psychological factors such as impulsivity or a distorted sense of opportunities. Effective intervention strategies should thus be tailored to the individual's psychological makeup while addressing the societal factors contributing to their criminal choices.

In legal proceedings, incorporating psychological evaluations alongside sociological assessments can inform sentencing, rehabilitation, and reintegration efforts. Treatment programs should recognize the interplay of psychological and sociological influences to provide holistic support. Moreover, education and awareness programs within communities can contribute to both preventing crime and dismantling stigmas associated with mental health issues.

In conclusion, the legal system's response to crime must transcend traditional boundaries and embrace a multidisciplinary approach. Recognizing the symbiotic relationship between psychological and sociological factors offers a pathway towards a more nuanced, empathetic, and effective criminal justice system. By fostering collaboration between psychologists, sociologists, and legal professionals, society can move closer to a holistic understanding of crime that informs prevention, intervention, and rehabilitation strategies, ultimately contributing to a safer and more just community.

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