

OPEN ACCESS: “*EPISTEMOLOGY*”

eISSN: 2663-5828;pISSN: 2519-6480

Vol.12 Issue 13 June 2023

MEANING AND DEFINITIONS OF CRIME, GENERAL CONCEPT, CAUSES AND MOTIVATIONS

Robina Rashid

PhD Scholar, Institute of Arabic and Islamic Studies, GCWUS.

Abstract: The concept of crime is a multifaceted and complex phenomenon that holds significant implications for society, law enforcement, and the justice system. This abstract provides an overview of the meanings, definitions, causes, and motivations behind crime, shedding light on its general concept and the intricate web of factors that drive individuals to engage in unlawful activities. The meanings and definitions of crime are influenced by cultural, historical, and legal perspectives. Crime is generally understood as the violation of societal norms and laws, resulting in harm or potential harm to individuals, communities, or the broader social order. Legal definitions often vary across jurisdictions, reflecting different social values and evolving norms. Examining the causes of crime involves delving into a range of factors that contribute to criminal behaviour. Social factors, such as poverty, inequality, lack of access to education, and limited economic opportunities, can create environments conducive to criminal activities. Psychological factors, including personality traits, mental health issues, and social learning, also play a crucial role in shaping criminal behaviours. Additionally, the influence of peer pressure, family dynamics, and cultural backgrounds further intertwine to impact an individual's likelihood of engaging in criminal acts. Motivations behind criminal behaviour are intricate and multifaceted. Economic motivations, such as financial gain through theft or fraud, are prevalent. However, crimes can also stem from emotional motivations, such as revenge, anger, or jealousy. Psychological motivations like thrill-seeking and a desire for power can drive individuals to commit unlawful acts. Social motivations, such as seeking belonging within criminal groups or succumbing to peer pressure, are also significant contributors.

Keywords: Complex Phenomenon, Law Enforcement, Influenced, Violation, Jurisdictions, Inequality, Poverty.

General concept of crime

Introduction

For the betterment of the society and to remove the evils of the society, the law requires that punishments be given for the commission of crimes. Because a criminal by committing his crime causes suffering to the members of the human society, if the criminal is left free without any punishment, then the chain of crimes will continue to increase and then freely and without fear. And the market of theft, robbery, corruption and murder will become hot. Therefore, it is expediently better to punish a criminal. Protection of life and property and honour and dignity is the basic right of every human being and it is the responsibility of the government. As the Ashraf al-Makhluqat (human beings), it is the duty of man to treat the creatures around him in accordance with the orders of the Creator and to refrain from any action that causes corruption and disorder in the earth and strengthens the fear of the angels. He expressed it at the time of creation of Adam in these words:

قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ (1)

They said, "Does he decree that whoever causes mischief in it (the land) will shed more blood in it?"

Some people from the human race are guilty of various crimes and mischief on earth by violating the laws of nature and rebelling against the orders of the Creator. In every society of the world, different laws are formulated to suppress such people. The main difference between the laws of the societies is that in laws there is the aspect of revenge against the criminal, while in the Shari'a laws there is the aspect of punishment and lesson. It has to be created. But the objective of both is to control crime and create a sense of law and order and security.

History of Crime in Human Society

Crime is an important social problem in every society. When man made an organized life and organized a society, he made a plan of action for individuals and created a distinction between good and evil by setting standards of action and distinguished between good and evil. But despite the restrictions and strictures of social discipline, he could not destroy those who practiced evil and did evil. In every society, be it ancient or modern, more or less, crimes are committed. In the beginning of religion, Qabeel killed his brother Habel out of jealousy and envy and thus the basis of crime in mankind.(2) The Qur'an describes this crime in these words:

وَأْتَلُ عَلَىٰ بَيْمِ نَبِيٍّ ابْنِي ۚ آدَمَ بِالْحَقِّ إِذْ قَرَّبَا قُرْبَانًا فَتُقُبِّلَ مِنْ أَحَدِهِمَا وَ

لَمْ يُتَقَبَّلْ مِنَ الْآخَرِ قَالَ لَأَقْتُلَنَّكَ قَالَ إِنَّمَا يَتَقَبَّلُ اللَّهُ مِنَ الْمُتَّقِينَ (3)

"And you ﷻ recite to them the news of the children of Adam exactly when they both sacrificed. So accepted from one and not

accepted from the other! I swear I will kill you first. He said, "Allah accepts only the pious."

This crime is mentioned in the Bible as follows:

“(Cain's brother) Abel was a shepherd of sheep and Cain was a farmer. After a few days, it happened that Cain brought the fruits of his field to the Lord, and Abel also offered some of the firstlings of his sheep and some of their fat as an offering. And God accepted Abel and his offering, but Cain and his Don't accept the offer. Therefore, Cain became very angry and held his mouth and the Lord said to Cain So why are you angry and why is your face distorted? If you do, sin is sitting at the door and it is longing for you, but overcome it. And Cain told his brother Abel. And when they were both in the field, it happened that Cain attacked his brother Abel and him Killed.”⁽⁴⁾

That's, we can say that the history of crime began with the beginning of humanity, and then this chain of crime and punishment has been equal everywhere in every era. The general understanding of the word crime and the legal meaning are different from each other. Crime in the general sense is the violation of moral codes that are subject to religious values and accepted by people or society, while the word criminal is generally used to refer to a person who either has a bad life or behaviours are harmful to the society. The word criminal is also used for a person who has violated the religious rules and has been punished by the society. The punishment for committing a crime is either given by the society or given by a superior force to whom the authority has been assigned by the ruler. In some societies, the form of crimes is changed under the moral codes. But there are some crimes that people do in society regardless of religion, color and race, such as treason, rape, murder and robbery, etc. These crimes are frowned upon in every society. In modern times, crime refers to an act that can be definitely proven and is prohibited in society and is punishable by the legislature of the country. While the philosophy of Islam According to the law, every act or omission is a crime which is prohibited by the Book and Sunnah and is prevented from being done by government.

The meaning of crime

One of the meanings of crime in Arabic language is “transgression and sin”. Sin is also called penalty and the noun is criminal and penalty.⁽⁵⁾ Crime is an Arabic word, masculine is used. It is an action against the law or a punishable act.⁽⁶⁾ In Arabic, crime is also called zunb, the plural of which is zunub. It means sin or guilt.⁽⁷⁾ Crime is also called fine. In the Holy Quran, this word is used in the sense of sin and guilt.⁽⁸⁾ In Arabic, the word crime is used in the meaning of wrong doing (oppression) and guilt (sin). The criminal is the active noun.⁽⁹⁾ Crime is Arabic word and came to Urdu from Arabic. In the English language, crime is called Crime or Offence, which means resentment.⁽¹⁰⁾

Terminology of crime

A crime is a shari'a prohibition which Allah Ta'ala has prevented through a limit or ta'zir.⁽¹¹⁾ Crimes are actions that are legally prohibited in society.⁽¹²⁾ Crimes are actions that violate the laws of the country.⁽¹³⁾ These actions occur when the laws are either disobeyed or To be opposed.⁽¹⁴⁾

For an act to be a crime, it is necessary that there are clear orders to commit or refrain from it, which in the term of jurisprudence are called Nass. There is no difference in the definition of Islamic jurists and modern thinkers regarding crime. Rather, there is a sense of harmony of a kind. Because even in modern laws, crimes are considered the same actions. Those which have been declared as crimes by the law and there are clear orders to commit or abandon them and disobeying the orders or breaking the law only comes under the crime. In Islam, the source of law is God Himself, while the architects of modern law are elected members of the legislature.

For an act to be a crime, it is necessary that there are clear orders to commit or refrain from it, which in the term of jurisprudence are called Na's. There is no difference in the definition of Islamic jurists and modern thinkers regarding crime. Rather, there is a sense of harmony of a kind because even in modern laws, crimes are considered the same actions. Those which have been declared as crimes by the law and there are clear orders to commit or abandon them and disobeying the orders or breaking the law only comes under the crime. In Islam, the source of law is Allah Himself, while the architects of modern law are elected members of the legislature.

Different theories about crime

Crime in its most cases is an abuse of the individual's community. Crimes exist only in the relationship between the individual and the society. Therefore, just as there are different points of view about the relationship between the society and the individual in this way, theories about crime are also found.⁽¹⁵⁾

1. Capitalist approach

Those nations which exaggerate the personal freedom of the individual and believe that the individual should use his personal identity without any hindrance, otherwise they only condone the capture of crimes, but on the contrary, the society is destroyed by individuals because they believe that society has restricted them and chained their freedom and thus the criminal himself has become a victim of society's excesses. Therefore, the individual should pay for his excesses from the society and the criminal should be punished.⁽¹⁶⁾

2. Communism approach

The view of socialism is that the motives of crime are not psychological or sexual, but its causes are economic. In an economically unbalanced society, crimes must happen because virtues are not found in the

souls of the burning poor and the nobles raised by the poor. He can neither be resisted nor punished for crimes because as long as this unbalanced economic system exists, crime cannot be eradicated.⁽¹⁷⁾

3. Islamic perspective

Among all the systems of life in the world, Islam is the unique code of life that has a specific perspective on crime and punishment and this perspective has absolute and perfect justice within the possible limits of the human world. He does not exaggerate party rights or extreme in respect of the individual. He does not unduly prefer one of them over the other. This is a natural consequence. The perspective from which Islam sees man Islam sees man as tied to his worldly environment. It does not study it from its conflicting angles and contradictory aspects, rather Islam studies man from a height, it looks at man from the edges of the horizon and it sees the whole man with a comprehensive view. At the same time fully aware of the thoughts that pass through him and the actions he takes in his practical life with full activity and enthusiasm. The angle from which Islam sees man, it does not consist of conflicting, fragmented human individuals and groups. Rather, all humanity is interconnected. Thus its various components cannot be separated. In the eyes of Islam, the earth is neither pure good nor pure evil. Rather, it is such a mixed substance that the fountain of evil can boil in it and the springs of goodness can also sprout. All the fabrics of practical creation are in the hands of an expert creator of the universe who continues to develop man by stretching them.⁽¹⁸⁾

Causes and motives of crime

It is important to keep in mind these reasons as well as different theories about crime. Due to which a person commits a crime in the society. It is Muslim in its place that any crime, whether it is small or big. It does not come into existence without causes, factors and movements. In other words, we can say that no person is born criminal. Rather, he accepts influence from his environment and circumstances. Unfavourable and unsatisfied circumstances lead to delinquency and delusion for criminals. It makes a good and intelligent person a criminal. Although the history of crimes is as old as man him. In the early period, no special attention was paid in the research on crimes. He has been thinking about the nature of crimes. Therefore, first of all, he accepted the religious concepts and ideas of crime and sin and then developed them and created legal ideas related to crime. In today's times, the reasons and motivations for crime can be many. Western thinkers have missed many causes of crime.

1. Poverty

Most of the society consists of the poor people. Due to poverty and economic hardship, people commit crimes. It includes both professional and non-professional people. By committing crimes, wealth is easily available to

the poor and thus the criminal repeats the crime. Fraud, theft by coercion and general theft and other crimes are mostly committed by poor people. People sometimes commit crimes because of their financial situation. According to K. Ford Shah and E. M. Sutherland, children of poor people tend to turn to crime early. Poor people cannot provide the comforts of life to their children. Due to poverty, children are deprived of education and they are forced to work because their daily food is not enough. Crimes are caused by poverty and environment. If children are provided with proper facilities and they are attracted towards education and protected from wrong environment. If attention is paid to their training from the beginning, children stay away from crimes. In other cases, children who commit petty crimes in the beginning commit serious crimes.⁽¹⁹⁾ The author points out Encyclopaedia of Social Sciences that:

“And good in emulating the law-abiding and law-breaking people in society bad people are born. A child becomes a criminal because of the law breakers in front of him outnumber those who follow the law”.⁽²⁰⁾

2. Moral retardation

Moral backwardness also causes crime. Moral backwardness begins when the conscience of a person dies and good and bad are recognized. When a person reaches this level of consciousness, then crimes begin. Moral backwardness as a whole, if it is the whole society, there will be more crimes. The idea of goodness will disappear. If there is a moral decline in the individual, then he will commit all kinds of crimes.⁽²¹⁾

3. Economic crisis

Economic crisis also causes crime. Especially where there is unemployment, there are new disputes in the economy. In agricultural countries, disputes over water distribution and economic transactions become riots, which lead to crimes. Economy is the backbone of human life. Corruption and economic instability lead to crime. Disputes between people due to economy arise and thus crimes are committed in new ways. Economic disputes and riots cause crimes.

Unfair distribution of wealth in society leads to crime because the society becomes unbalanced due to the capitalist system. Abundance of wealth on the one hand and unemployment on the other hand fills the society with crimes. If the economic contrast between the rich and the poor ends in the society and there is an equal distribution of wealth, then crimes can be eliminated from the society. If the cooperative system is implemented in the society and the exploitation is abolished, then the crime can be eradicated. Employment should be ensured and every person should get employment opportunities without discrimination. Rich people exploit the poor for the sake of wealth. With the wealth looted from the poor, they build luxury palaces. As

a result, the unemployed and poor people who are crushed in the society are attracted towards crimes.⁽²²⁾

4. Negligence of the government

Negligence of the government also causes crimes. In such a situation, the officers of the subjugated nation violate the sovereign nation or a province of the state with a specific purpose in front of it, crimes which not only gives rise to crime but increases it and as a reaction there is a sudden situation where people in the part of the province where crime was common become fed up with the strictness with which the government reacts. However, it is certain that the negligence of the government causes the production of crimes.⁽²³⁾

5. Media

Radio, television or films are the contacts that have a special effect on the minds of the audience and viewers. If the literature is scattered, there are clear possibilities of misleading the novice minds. If the films will be full of violence or their plot it will happen that if the minds of the individual or individuals are scattered, then the common mind will become the basis of robbery. Theft will begin to be committed; murder and destruction will become common. Watch the movies of America and watch the society there you will see a deep similarity. Taking people's lives, robbing people, looting is a daily routine there. Media gives rise to crimes and nurtures them. If the government bans the publication of such films in our society, our society can be protected from such effects.⁽²⁴⁾

6. Psychological conflict

Psychological conflict causes crime. Dr. William Haley is a major proponent of this theory. He says that crimes are an indirect result of psychological conflict. Man wants to adopt a method outside the normal path under psychological desires and for this method he takes the path of crimes. Thus, psychological conflict becomes the reason for committing crimes. He says:

"Psychiatric patients are not the only ones who become criminals, but some other reasons also make them criminals do Among these reasons are the environment of the home, the surrounding environment, the company of criminals, hereditary conditions, Inferiority and physical condition are also included which together give birth to crimes".⁽²⁵⁾

7. Effect of environment

Although Lombroso is a criminologist and is considered one of the masters of criminology and the theory of criminology he founded, although he created a stir in the world of criminology, however, this theory was criticized, especially in this regard. That a person is not born a criminal from his mother's womb, but circumstances, events, incidents, feelings of inferiority and some

other issues force him to become a criminal. Charles Goring's point of view was that physical structure has no direct relation to crime.⁽²⁶⁾

Therefore, the reasons that incline any person towards crime can be economic, social, religious and political. Man commits crime by being forced by economic distress, poverty and destitution. Social incompatibilities make people commit crimes. Religious prejudice also leads to crimes. Apart from this, the political conditions of the state also cause crimes. These are collective reasons. These include family conditions and parenting, school environment, etc. There can be numerous reasons that lead to crime. There is a need to eradicate these causes so that the crimes will end automatically.

Types of Crimes

1. Human murder
2. Serious crimes against the person (including sexual harassment and violence)
3. Serious crimes against property (extortion, robbery, etc.)
4. Social disorder (alcoholism, disorderly conduct disturbing public order, petty theft, etc.)
5. The crimes include sexual and non-sexual crimes. The details of which are as follows: Sexual crimes are: rape by force, kidnapping of women, and loquat.

Therefore, greed, and lust motivate a person to commit crimes and because of them, the crimes that a person commits can be divided into three parts:

1. Crimes against human life
2. Crimes against human property
3. Crimes against human dignity.

Among crimes against human life, the most serious crime is murder. Apart from that, causing physical harm to a person, i.e. injuring someone or destroying a part of the body, is included in the crimes against life or destroying human wealth and property. As far as crimes against honour are concerned, they include insulting someone, gossiping, slandering, sexual immorality, etc. In this regard, sometimes social and cultural the difference of traditions is the reason for an act to be a crime or not. But usually every crime is considered a crime in every society.

Principles of Punishment

The purification of the human soul is a very pure goal. This is the real end goal of all human efforts and the real goal of human civilization, but Islam does not consider the purification of the soul as enough, but also all these manifestations of civilization. The rest is what is considered the real enjoyment of life in the present age. However, before deciding whether to punish the criminal or not, we must determine the exact limits of his responsibility in the crime committed does not ignore Islam tries to eliminate

the causes of crime through various means. Along with this, it also emphasizes on the fair distribution of wealth. Even during the reign of Hazrat Umar bin Abdul Aziz, we see that bankruptcy is completely eliminated. An Islamic state is responsible for providing basic needs to all citizens living within its borders and in this regard, it does not consider any difference of religion, race, language, color or social position. Similarly, the state also provides adequate employment for all citizens provides. If employment cannot be provided or a citizen is not able to work and earn his own livelihood, then he is given help from the treasury.⁽²⁷⁾

Philosophy and objectives of punishment

Research into the true purpose of criminal justice has been ongoing since the time of Plato and Aristotle. The theories that emerged over this long period are divided into two main groups.

1. Philosophy based on collectivism

According to this philosophy, the purpose of punishment is to protect the society from its evil effects by reducing the commission of crimes and thus keeping in view the welfare of mankind as a whole.

2. Philosophy based on individuality

According to this theory, punishment is an end in itself which relates to the individual treatment of the offender:

“Judicial punishment cannot be given merely as a means of reforming society, but in every case it should be given that the person on whom it is imposed has committed a crime, so justice has a purpose is not a means to an end but is an end in itself and punishment is inflicted solely because the guilty shall be punished”.⁽²⁸⁾

The nature of punishment and its forms must be determined in the light of its specific objectives.⁽²⁹⁾ In this regard, at least six objectives are useful, discipline and correction, prevention of crime, atonement, restitution and rehabilitation, and the real punishment.⁽³⁰⁾ According to Salmond, the first three forms of punishment are to protect society from further offending and the last three forms use punishment as an end in itself.

Objectives Punishment

1. Avoidance due to fear

This mode of punishment is intended to inculcate in the criminal the spirit of law-abiding by instilling in the criminal the fear of the unpleasant consequences of the crime. According to Flugel, fear-inducing punishments are also helpful for law-abiding individuals who have to make a conscious effort to control their antisocial urges because the criminal who makes a mockery of the law, in the absence of punishment, encourages our instinctive animal desires to commit crime, and we say to ourselves that if he commits a crime, why should we not?⁽³¹⁾

The turmoil of the criminal movement within us requires that our conscience rise up against our attitude based on negative thinking and be inclined to declare in response that the criminal ultimately gains nothing. This declaration of conscience is even more effective and decisive when the criminal is punished for what he has done. Punishment for his crime not only teaches the criminal that he cannot escape punishment by committing a crime. It can, but it actually saves us from committing a crime by setting a terrible example for our motivated and rebellious thinking. Therefore, according to this theory of punishment, individuals as a nation refrain from committing crimes.⁽³²⁾

However, the fear of punishment can have the desired effect only if the criminal law is in force in the true sense and its actual implementation leads to correct punishments. On the contrary, if the society identifies the criminal. There is a tendency of neglect. Punishment because of the inevitability of punishment, the alternative fear of punishment nullifies the intended effect of deterrence. Therefore, the performance of law enforcement agencies is central to crime prevention. Countless reports from the United Kingdom, the United States, and other countries in the world have revealed the fact that major criminals fear punishment, rather than punishment. Couldn't learn anything either. Therefore, this theory of punishment has been proved ineffective in practice.⁽³³⁾

2. Discipline and correction

According to this theory, it is believed that the criminal can be made curable by using appropriate correctional means. Therefore, by adopting a positive attitude towards the criminals during imprisonment and highlighting their positive aspects, they should be given religious training and moral education. Through this method, the difference between adopting good and abandoning evil is given. After the introduction of Lambro Sen's theory in the history of crime, special attention is paid to giving scientific correctional education to criminals and improving their environment and conditions. Due to the popularity of the psychological theory, the effectiveness of psychological treatment of abnormal criminals in prison has been recognized. According to the theory of mental illness, the criminal is not considered a bad person, but rather he is considered a sick person. Therefore, some Specialists place special emphasis on the treatment of mental disorders of criminals. As a result, fear theory is considered highly undesirable for this purpose, as it cannot reform the criminal in any way. Several Western criminologists have strongly criticized this theory: "He says that if this theory is extended to the whole society, it will be the whole of morality. The fabric will remain destroyed, although the need for creativity is certain."⁽³⁴⁾

3. Refrain from crime

This means that the criminal should be deterred from the crime at least for the period of imprisonment because during imprisonment, the criminal is

not able to commit any crime due to strict security restrictions. This is the only effective strategy to prevent the professional addict from committing crime. There are two types of methods to prevent the criminal from committing crime.

1. One way is to make the offender physically incapable of committing the crime. The death penalty is certainly an effective and permanent way to deter criminals from committing crimes. Thus Norway, Sweden, Denmark is one of the countries where sex offenders end their long sexual careers by amputation. Other severe corporal punishments also fall into this category.

2. Another method is to keep the criminal from committing the crime by keeping him in prison as mentioned above. In which the term of imprisonment can be up to life. There are two more variants of this method:

a. **General deterrence:** It instils fear in the rest of the population to prevent crime.

b. **Individual Deterrence:** This is the period during which the offender refrains from crime due to prison restrictions and fear.⁽³⁵⁾

Punishment itself has a moral and spiritual purpose.

4. Atonement

Guilt plays an important role in atonement, rituals based on religious principles. Many religions of the world affirm its importance, although the method of atonement differs in different religions. The spirit of this theory is that the offender who is punished in the form of atonement believes that he has paid for what he has done and is now free from that account. Atonement is a fundamental requirement of our moral nature. The victim goes through an experience of revenge and a need to make amends in some way.

5. Redemption and rehabilitation

According to this theory, the offender is legally and morally bound to compensate the victim of his offense. So get out of the confines of the convicts in a criminal manner. It is a sure and effective method of reparation. When the criminal is justly satisfied by punishing him, he does not need any personal effort to achieve the goal, and so the endless chain of the criminal is created and executed, but it does not come. In the early periods of history, the victim of the crime or his relatives used to organize revenge or compensation themselves. But due to the increase in the crime rate, punishment also became part of the duties of the state.

6. Actual Punishment

The concept of true punishment is to punish the criminal only for the crime he has committed. This is the current form of punishment. Names do not serve any purpose other than to cause pain or harm to the criminal under the criminal law. In Islam, the society has priority. Therefore, if maiming or

killing the afflicted people, a society consisting of cruel people. If the disaster is avoided, the Islamic Shari'ah does not interfere with it. For example, take Saudi Arabia, where shopkeepers leave millions of rupees in the same shops to pray or for other needs, but it is possible for someone to steal even a straw.⁽³⁶⁾

Although Islamic punishments seem painful to the criminal in their outward appearance, they are mercy in terms of their effect. This mercy does not mean the physical mercy or physical compassion that a father has for his son or a brother for a brother. Rather, it means the mercy that is common to all mankind and the heavenly laws have been revealed to continue this mercy.⁽³⁷⁾

In summary, Islamic punishments appear to be severe but in reality they are not severe compared to the severity and harm of the crime but are in accordance with nature. Lord Justice Fry has rightly said in favour of this concept that the purpose of punishment is to make the suffering appropriate and proportionate to the sin.⁽³⁸⁾ Both Kenny and Stephen insist on maintaining the concept of punishment.⁽³⁹⁾ Stephen says:

“It is imperative that criminals be hated and the punishment recommended should be such that express hatred and justify it.”⁽⁴⁰⁾

Goodhart expressed his views in the following words:

“That the real right of punishment is that by means of which society disapproves and repudiates crime be expressed and if this privilege of punishment is not recognized, denial and disapproval will disappear by themselves.”⁽⁴¹⁾

A society that is prone to forgiveness for wrongdoers can be erased from the page because of the indulgence of the criminal. This theory has also been criticized on the basis of (presence of motivating social conditions, etc.). This punishment had two purposes which have been described by different thinkers. The real purpose of punishment is to reform the criminal. Fear of punishment deters criminals from committing crimes and if a criminal is punished for what he has done, it deters future crimes from punishment and serves as a lesson to the onlookers. That is why Semitic religions such as Judaism, Christianity and Islam have made punishment a part of their law in one form or another. Islam, in particular, has presented a complete system of punishments, which discourages criminals. Crimes from society are ended and peace and tranquility are far away. Therefore, appropriate punishments are very important for the integrity of the social system.

Nature of appropriate punishment

The punishment that is imposed on the person who riots in the land (that is, the punishment for robbery etc.) is also not excluded from theft, retribution and other punishments.⁽⁴²⁾ The purpose of punishment is the reformation of individuals, collective security and social welfare, so punishment should be based on the same principles that achieve this goal. The principles for achieving this goal are as follows:

- a. The purpose of punishment should be crime prevention, which includes the element of deterrence.
- b. Punishment can be relaxed or severe in view of collective interest.
- c. In view of the collective interest, the criminal can be sentenced to death or imprisonment. There is also scope for repentance.
- d. Every punishment given for reforming riots and social security will be considered as legal punishment.
- e. The purpose of punishing the criminal is correction rather than revenge.⁽⁴³⁾

According to Jay Heath, punishment is an evil by which rulers try to deter their subjects from breaking the law by threatening them and punishing them for their crime when they are found guilty of breaking the law.

According to the nature, he takes it carefully so that it will benefit him in the future. The purpose of punishment is to preserve the safety and welfare of the society.⁽⁴⁴⁾ This definition of al-Qarhar punishment requires the following can be divided into properties.

Punishment in itself is not a good act, it is an evil. Its purpose in every case should be to avoid evil. Punishment should be proportionate to the nature of the crime. Its nature should be punitive. Effects should be deterrent and dissuasive. Punishment should be prescribed to protect the safety and welfare of society.

The main objective of punishment is to protect the safety and well-being of the society. But the methods and means of achieving this objective may vary. What is the nature of the crime? Under what specific circumstances was it committed? How much harm was done to the victim? Blackstone says while bringing

“Penalties are the evils and afflictions which result from crimes and interpretations, and human laws dissolve and reject them as well responsible for implementation. To correct the behaviour of disobedient and unruly people, the law would be given under the influence are”⁽⁴⁵⁾

Another essential element of punishment mentioned by Blackstone is that punishment can only be inflicted on criminals who are subject to the laws of the state. According to Buccaria, Blackstone, Romeli, Paley and Fenerback, the main purpose of punishment is not only to prevent the repetition of the crime, but its only legitimate purpose is to give it to the offender under the criminal law.⁽⁴⁶⁾ Punishment is affected in three different ways to reduce crime.

It can affect the offender's body. So that he is temporarily or permanently deprived of the power of recidivism of the offender. Imprisonment restrictions, physical disability and punishment are different forms of it. Punishment can also affect the mind of the criminal and it can completely eliminate criminal tendencies under the influence of fear or moral

influences. It can also affect the minds of others.⁽⁴⁷⁾ All the purposes are contained in one main purpose and that is "preventing the recidivism of the criminal". Bentham is of the opinion that all punishment is corruption and mischief and is essentially evil.⁽⁴⁸⁾ According to the principle of utilitarianism, punishment, if necessary, should be inflicted only if it does not invite a greater evil. It is very important that punishment should be given as soon as possible after the crime has been committed.

Attributes of appropriate punishment

According to Bentham, appropriate punishment has the following characteristics. It is necessary that the punishment be effective and distributable. Nouns should be flexible. There should be equality in punishment. This means that the punishment should not be different for the same criminals. However, its nature may vary depending on age, gender and circumstances. Punishment should be proportionate; it should fit the crime, i.e. an eye for an eye and a tooth for a tooth. It should be of exemplary nature, the punishment should not be of a severe nature, if there is any severity, only what is necessary to achieve the goal. The punishment should be punishable and revocable.⁽⁴⁹⁾

Punishment, if considered, is not a good practice. Therefore, the opponents of punishment oppose punishment and consider it an insult to humanity. But if it is seen in terms of who is getting the punishment and why, then surely they will sympathize with the criminal and every wise person will support the punishment. However, one should also take care that the punishment. There should be justice in giving the punishment should be according to the nature of the crime, its purpose should be to reform the criminals and not to take revenge, and that is, the purpose should be disciplinary and not vindictive.

Islamic Philosophy of Crime and Punishment

Islamic punishments, though in their outward form, feel painful to the offender. But they are mercy in terms of their effect. The meaning of this mercy is not the physical mercy or the physical compassion, but the mercy that is common to all human beings and the heavenly laws have been revealed to continue this mercy.⁽⁵⁰⁾

Peace in the world revolves around the protection of three things, life, property and reputation. Islam has declared the protection of these three essential. In the farewell sermon, the Holy Prophet ﷺ emphasized this issue and this is the basic principle for social equality and protection of individuals. The principles were declared during the reign of Hazrat Umar, the judicial department was formally established and courts were established at appropriate locations throughout the country and judges were appointed the translation of which is quoted here:

“Judgment is an essential duty to keep people equal in your presence, in your assembly, with your justice so that do not despair of weak justice, and let not the honourable man hope for mercy. He who I swear on it. Reconciliation is permissible, but a reconciliation in which the halal does not become haram and the haram does not become halal. Yesterday if you a decision is made, after consideration, if it appears to be against the right, then you can refer to it and if it is not mentioned in the Qur'an and Hadith, think about it again and again and recognize its examples and precedents but guess. Set a time limit for the person who wants to present evidence. If he gives evidence, then it is his right Bring, otherwise the case will be decided against him, except for those who have been punished, or liars. All Muslims have faith, whether they have testified or are in doubt about inheritance or inheritance.”⁽⁵¹⁾

The need and importance of punishment

For the betterment of the society and to remove the evils of the society, the law requires punishment for committing crimes because a criminal by committing his crime causes suffering to the members of the human society, if the criminal is left free without any punishment, then the chain of crimes will continue to increase and then free and unpunished, fear theft. The market of robbery, corruption and murder will become hot. Therefore, it is expedient to punish a criminal. Islamic Shari'ah has taken into account the gravity of the crime in imposing the punishment, keeping in view the principles of punishment and crime. Formal laws are usually not based on pure human virtue and true justice. They are based on the customs and habits of people or the issues that spread among them. Therefore, it has been seen that the governments themselves protect. They make laws to obey. Whether it is possible to base the society on a just basis or not, and then day by day they continue to modify these laws according to their will. There are two main purposes associated with the implementation of punishment in the Islamic Shari'ah the establishment of the virtue of humanity, and the elimination of crimes from the society. From the Islamic point of view, there is the real benefit of human beings in Shari'ah punishments, and this real benefit is sometimes less and sometimes it is additional. Islam takes care of the real interest, whether it is personal or extra, and prescribes punishment for the crime committed in order to achieve it. “Islamic Shari'ah orders the issuance of limits on the crimes that are for the attainment of the interests which are related with every age and every country.”⁽⁵²⁾ Qadzf, theft, robbery, apostasy, revenge, etc. are included in the scope of punishment. There are assets. Therefore, severe punishments have been set to prevent them. The punishments of Hudood crimes are apparently very severe, but there is nothing more than them in terms of achieving results and purifying the society. The Prophet ﷺ has specifically mentioned the importance of Hudood.

اقامة حد من حدود الله خير من مطر اربعين ليلة في بلا الله عزوجل(53)

"Enforcement of limits in Allah's limits is better than forty nights of rain on Allah's land."

من جحد آية من القرآن فقد حل ضرب عنقه و من قال لا اله الا الله وحده

لا شريك له وان محمد ا عبده ورسوله فلا سبيل لا عليه الا ان يصيب

حدا فيقام عليه(54)

“Whoever disputes with a verse of the Holy Qur'an, it is permissible to beat him on the neck, and whoever said, “God bless you. He has no partner except God and that Muhammad is His servant and Messenger. There is no way for anyone to oppose it except that it will be established upon it when it reaches the 'limit'.

Similarly, he said in another place:

اقيموا حدود الله في القريب والبعيد ولا تأخذكم في الله لومة لائم(55)

“Establish limits on every near and distant one, and in this regard you should not care about the rebuke of any reprobate.”

In the matter of limits, no one's recommendation is acceptable. During the time of the Prophet, peace be upon him, a woman named Fatima stole. In this name, the words of the Prophet (peace be upon him) I have done the following.

ان اسامه كلم النبي ﷺ في امرأة فقال انما هلك من كان قبلكم انهم كانوا

يقيمون الحد على الوضيع و يتركون الشريف والذي نفسى بيده لو فاطمة

فعلت ذلك تقطعت يدها(56)

“Do you intercede for the limits of Allah? Then he stood and he said: From you Earlier nations were destroyed because if someone who was noble (powerful) stole, they would leave him and if he was weak If he had stolen, they would have issued a ban on him, O people of Allah! If Fatimah bint-e-Muhammad, peace be upon him, had also stolen Muhammad ﷺ would have cut off his hands too.”

In the same way, due to excessive drinking of alcohol, a person's intellect will remain at its place and he will be able to distinguish between his peers and will not touch people's honour and reputation and wealth which will create mutual love. While the alcoholic will be able to protect his family from various physical diseases, he will also protect his family from falling into the mire of poverty. It becomes ready to sell even the pot. As a result, the enforcement of Allah's limits is a mercy for the society in every way. There is no law in the world better than this for the prevention of crimes.

Conclusion

In conclusion, the study of crime's meanings and definitions, general concept, causes, and motivations reveals the intricate interplay between individual behaviour, social dynamics, and cultural influences. Crime defies a

singular definition, as its interpretation is contingent upon prevailing norms and values. It is evident that economic disparities, lack of educational opportunities, social exclusion, and psychological factors contribute to the genesis of criminal behaviour. Moreover, the motivations for committing crimes are diverse, ranging from financial gain and personal desperation to psychological gratification and social rebellion.

Addressing crime necessitates comprehensive strategies that encompass both preventive measures and rehabilitative interventions. Efforts should focus on eradicating the root causes of crime, promoting social equity, and fostering a sense of community belonging. Additionally, a nuanced understanding of the motivations driving criminal behaviour can inform targeted interventions and support systems that address individuals' underlying needs.

Ultimately, a society's response to crime should balance punitive measures with restorative justice approaches, aiming not only to hold individuals accountable but also to facilitate their reintegration into the community. By recognizing the complex nature of crime and adopting a holistic approach, societies can strive to reduce its incidence and create safer, more inclusive environments for all members.

On other hand governments play a crucial role in preventing crime and creating safer communities. Effective crime prevention strategies require a multifaceted approach that addresses the root causes of criminal behaviour, promotes social cohesion, and provides opportunities for individuals to lead productive lives. Here are some key actions that governments can take for crime prevention:

1. **Invest in Education:** Quality education equips individuals with skills, knowledge, and opportunities, reducing the likelihood of engaging in criminal activities. Governments should focus on improving access to education, especially in disadvantaged communities, and implementing programs that promote educational success.
2. **Youth Engagement Programs:** Investing in after-school programs, sports activities, arts, and mentorship initiatives for young people can provide positive outlets for their energy, foster a sense of belonging, and deter them from getting involved in criminal activities.
3. **Address Economic Disparities:** Poverty and lack of economic opportunities are often linked to crime. Governments can implement policies that promote job creation, skill development, and economic empowerment, particularly in areas with high unemployment rates.
4. **Community Policing:** Establishing strong relationships between law enforcement and communities can build trust and cooperation. Community policing encourages collaboration in identifying and addressing local crime issues, leading to more effective crime prevention.

5. **Invest in Infrastructure:** Well-designed public spaces, improved lighting, and well-maintained neighborhoods can deter criminal activities by increasing the sense of safety and community ownership.
6. **Substance Abuse and Mental Health Services:** Providing accessible and quality mental health services, as well as substance abuse treatment programs, can address underlying factors contributing to criminal behavior.
7. **Restorative Justice Programs:** Shifting focus from purely punitive measures to restorative justice approaches can promote accountability, healing, and reintegration into society for both victims and offenders.
8. **Gun Control Measures:** Implementing strict regulations on firearm ownership and sales can help reduce the incidence of violent crime.
9. **Early Intervention Programs:** Identifying and supporting individuals at risk of engaging in criminal activities at an early stage can prevent them from becoming involved in the criminal justice system.
10. **Social Services:** Adequate access to social services, including housing, healthcare, and support for families in need, can create a safety net that prevents individuals from resorting to crime out of desperation.
11. **Public Awareness Campaigns:** Governments can run campaigns that raise awareness about the consequences of crime and educate the public on safety measures and reporting procedures.
12. **Data-Driven Approaches:** Utilizing data to identify crime trends and hotspots can help law enforcement allocate resources effectively and implement targeted crime prevention strategies.
13. **Collaboration with NGOs and Community Organizations:** Governments should partner with non-governmental organizations and community groups to leverage local knowledge and resources for more impactful crime prevention efforts.
14. **Rehabilitation and Reentry Programs:** For individuals who have already committed crimes, offering rehabilitation and reentry programs can help them reintegrate into society as law-abiding citizens.

A comprehensive crime prevention strategy requires a coordinated effort involving various government agencies, community organizations, law enforcement, and citizens. By addressing the underlying factors contributing to crime and promoting a holistic approach, governments can work towards creating safer and more resilient societies.

REFERENCES & NOTES

-
- ¹- Al-Quran, 2:30
 - ²- Baqai, Sabihuddin “*Hamarey Moasherti Masail Aik Imraniati Jaiza*” Urdu Bazar, Lahore. p. 142
 - ³-Al-Qur’an, 5:27
 - ⁴- Genesis 4:2-8
 - ⁵- “*Urdu Dai’ra Maraf-e-Islamia*” Punjab University, Lahore, Vol. 7, p. 168

- 6- Ferozuddin, Maulvi, "*Feroz Al-Lughat*", Feroz Sons, Lahore, p. 147
- 7- Louis Maaloof "*Al-Munjad*" Translate by: Abdul Hafeez, Quddusiya School, Lahore, p. 147
- 8- Raghbir Isfahani "*Mufardat al-Qur'an*" Translate by: Maulana Muhammad Abdda Firoz Puri, Iqbal Town, Lahore, 1987, p.79
- 9- Qureshi, Tufail Ahmed, Dr. "*Islami Hadood-o-Tahzeerat*", Publication Hurmat, Rawalpindi, p. 30
- 10- M. Farooq "*Law Dictionary*" Vol. 57, p. 159
- 11- Aamir, Abdul Aziz, Dr., "*Al-Tazir fi- al-Sharia al-Islamiyya*" Cairo, 1949. Volume 1, p. 311
- 12- Abdullah "*Muhammadan Jaurus Prudence*" Mansoor Book Depot, Kachhari Road, Lahore 35
- 13- "*The Encyclopedia Americana*", Gloorier Bell's heirs, New York, vol:8, p:196
- 14- Abdul Qadir, Professor "*Jurmiyat*" Urdu Academy, Lahore, p.1
- 15- Malik, Muzaffar Hasan, Dr. "*Jurmiyat*" Moqtadra Qaumi Zuban, Islamabad, 2006, p. 49
- 16- Muhammad Qutb Shaheed "*Islam oar Jadeed Afkar*" Translate by: Sajjad Haider Kandhalvi, Lahore, 1993, p. 271
- 17- Muhammad Qutb Shaheed "*Islam oar Jadeed Afkar*", p.276
- 18- Muhammad Qutb Shaheed "*Islam oar Jadeed Afkar*", p.272
- 19- Mannheim, H., "*Comparative Criminology*" Routledge and K. Paul, London, 1965, vol:1, P:500
- 20- "*Encyclopedia of Social Sciences*" The Macmillon Company, New York, 1930, vol:2, p:476
- 21- Muhammad Qutb "*Shabhat Hawal-ul-Islam*" Translate by: Muhammad Salim Kayani MA, Al Badr Publishers, Urdu Bazar, Lahore, 1981. p. 341
- 22- Mannheim, H., "*Comparative Criminology*" Vol:1, p: 500
- 23- Muhammad Qutb "*Shabhat Hawal-ul-Islam*", p. 339
- 24- Muhammad Qutb "*Shabhat Hawal-ul-Islam*" ,p.8
- 25- Mannheim, H., "*Comparative Criminology*" Vol:1, p: 214
- 26- Jones, H., "*Crime and The Penal System*" Oxford press University, 2001, p:46-47
- 27- Muhammad Qutb "*Shabhat Hawal-ul-Islam*", p. 339
- 28- Keeton, G .W., "*The Elementary Principles of Jurisprudence*" Pit man and Company, 1935, p:326
- 29- Jones, H., "*Crime and The Penal System*" p:134
- 30- Fitzgerald, P. J., "*Salmond on Jurisprudence*" Sweet and Mewell, London, 1960, p:94
- 31- Jones, H., "*Crime and The Penal System*" p:142
- 32- Jones, H., "*Crime and The Penal System*" p:142
- 33- Jones, H., "*Crime and The Penal System*" p:140
- 34- Good hear. A. L., "*English law and the Moral law*" The Clarendon Press, London, 1907, p:93
- 35- Jones, H., "*Crime and The Penal System*" p:145
- 36- Hashmi, Muhammad Mateen, Syed "*Islami Hadood oar Un Ka Falsafa*" Markaz-e-Tehqeeq, Dayal Singh Library, Lahore, pp. 22-23
- 37- Tanzil-ur-Rahman, Justice, Dr. "*Jurm-o-Saza ka Islami Falsafa*", Publication Hurmat, Rawalpindi, 1982, p. 22

- ³⁸- Kenny. C. S, “*Outline of Criminal law*” The Macmillan Company, New York, 1907,p:33
- ³⁹- Kenny. C. S, “*Outline of Criminal law*”, p:33
- ⁴⁰- Jones. H, “*Crime and The Penal System*” p:145
- ⁴¹- Good hear. A. L, “*English law and the Moral law*” The Clarendon Press, London, 1907,p:29
- ⁴²- Al-Jaziri, Abdul Rahman, “*Kitab al-Fiqh Ali al-Mazhab al-Arabah*” Translate by: Manzoor Ahsan Abbasi, Ulama Academy, Lahore, vol.5, p.10
- ⁴³- Awdha, Abdul Qadir “*Islam ka Fojhdari Qanoon*”, Translate by: Prof. Sajid-ur-Rahman Siddiqui, Islamic Publications, Lahore, Vol.2, P.6
- ⁴⁴- Heath .J, “*Eighteenth century penal theory*” Oxford University Press, London, p:98
- ⁴⁵- Heath .J, “*Eighteenth century penal theory*”, p:98
- ⁴⁶- Heath .J, “*Eighteenth century penal theory*”, p:98
- ⁴⁷- Kenny. C. S, “*Outline of Criminal law*” The Macmillan Company, New York, 1907,p:32
- ⁴⁸- Bentham, “*Principles of Moral and Legislation*” The Hymlyn trust, 1953, p: 170
- ⁴⁹- Bentham, “*Principles of Moral and Legislation*”, p: 170
- ⁵⁰- Hashmi, Muhammad Mateen, Syed “*Islami Hadood oar Un Ka Falsafa*” Markaz-e-Tehqeeq, Dayal Singh Library, Lahore, pp. 22-23
- ⁵¹- Nadvi, Shah Moinuddin Ahmad “*Tareekh-e-Islam*” Idhara Nashriyat-e-Islam, Urdu Bazar, Lahore, vol.1, p.189
- ⁵²- Sham, Shahzad Iqbal “*Pakistan main Hadood-o-Qwaneen*” Sharia Academy, Islamabad, p. 123
- ⁵³-Ibn Majah, Al-Qazwini, Abu Abdullah Muhammad bin Yazid “*Al-Sunan*” Translate by: Maulana Attaullah Sajid, Dar ul-Salaam, Lahore, Kitab al-Hudood, Volume 2, Hadith No. 694-
- ⁵⁴- Ibn Majah, Al-Qazwini, Abu Abdullah Muhammad bin Yazid “*Al-Sunan*” Vol 2,Hadith No. 696
- ⁵⁵- Ibn Majah, Al-Qazwini, Abu Abdullah Muhammad bin Yazid “*Al-Sunan*” ,Vol 2,Hadith No. 694
- ⁵⁶- Al-Bukhari, Abu Abdullah Muhammad bin Ismail, “*Al-Jami'a al-Sahih*” Translate by: Allama Wahid al-Zaman, Muktaba Rahmaniya, Urdu Bazar, Lahore, Kitab al-Hudood, Volume 3, Hadith No. 955