

The Sociological Approach to the Interpretation of the Criminal Phenomenon

Oum El Kheir Gouarah

University of Echahid Hamma Lakhdar, El Oued, Algeria

Email: gouarah04@yahoo.com

Moufida Kherroubi

Kasdi Merbah University, Ouargla, Algeria

Email: etud2013moufida@gmail.com

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Abstract:

Society consists of interconnected systems that interact with one another through individuals' interactions. Individuals play a role in establishing social relationships, interacting with others, and occupying social positions, thereby contributing to the construction of a society governed by rules, values, and norms that individuals are expected to respect to satisfy their needs. However, some individuals do not conform to these values and norms, which may lead to deviance, arising from a contradiction or conflict between individual and societal values. Criminal behaviour has become increasingly prevalent in contemporary societies, particularly amid the rapid transformations occurring worldwide. Consequently, crime varies from one society to another depending on social context. This study examines the main sociological approaches developed to interpret crime.

Keywords:

Criminal behaviour; criminal phenomenon; sociological approach.

Introduction

The criminal phenomenon is a complex social phenomenon that has received considerable attention from researchers across various disciplines, particularly sociology, as crime is regarded as deviant behaviour not solely associated with individual and biological factors but also influenced by the social, cultural, and economic structures of society. With the transformations experienced by societies, new forms of crime have emerged, associated with social change, family disintegration, unemployment, poverty, and weakened social control. This has led to an understanding of the criminal phenomenon that goes beyond narrow individualistic perspectives towards more comprehensive social approaches.

Sociologists have been concerned with studying crime as a product of social interaction and environmental conditions. Several theories and approaches have attempted to explain the causes of deviance and criminality, including social disorganisation theory, Émile Durkheim's anomie theory, social labelling theory, and social learning theory, as well as other approaches that link crime to dysfunctions affecting social structures, values, and prevailing norms within society.

The significance of the sociological approach in interpreting the criminal phenomenon lies in its attempt to understand crime as a social phenomenon associated with individuals' living conditions, the nature of social relationships, and the level of social integration.

Research Problem

The criminal phenomenon is among the most prominent social phenomena that have attracted the attention of sociological thinkers, as it is considered an indicator of dysfunction within social structures and the system of values and norms that regulate social life. Particularly amid the structural transformations experienced by contemporary societies, such as social inequality, the declining role of socialisation institutions, and the growth of individualism, crime has become increasingly associated with social disintegration and anomie, as highlighted by Émile Durkheim, in which individuals lose their value-based references. Modern sociological perspectives have also emphasised that crime is an acquired social phenomenon shaped by the social environment through daily interactions, weak social integration, and disruptions to mechanisms of social control and supervision.

Based on this, the sociological approach has sought to move beyond narrow biological and psychological explanations by analysing and interpreting crime in relation to social structure, prevailing values and cultural systems, and the nature of social inequalities that contribute to the production and reproduction of deviance within society. Accordingly, the research problem is formulated through the following central question:

How does the sociological approach interpret the criminal phenomenon in light of structural transformations and disruptions in mechanisms of social control and social integration within society?

First: The Nature of Crime

1. Definition of Crime

Fundamentally, there is no single definition of crime, as any act and the penalty prescribed for it determine its classification.

- In most legal systems, crime is defined as criminal behaviour consisting of committing an act prohibited by law or refraining from an act required by law.¹ This is stipulated in Article 1 of the Penal Code: "There is no crime, no punishment, and no security measure except by law."²
- Crime is merely a violation of a legislative provision contained in the Penal Code and therefore requires the imposition of a criminal sanction; such a definition detaches crime from its social reality.³

The Sociological Definition of Crime

- Some scholars consider crime to be behaviour harmful to the fundamental interests of the group; therefore, crime is defined according to the prevailing social values within society.⁴

- Crime is a form of deviation from the ordinary rules of behaviour to which society subjects its members. Thus, society determines what constitutes normal behaviour and what constitutes deviant or criminal behaviour according to its values and norms.⁵

2. Types of Crime

Several classifications of crime differ according to the purpose or basis of classification. Crimes are categorised as follows:

A. Classification of Crimes According to Their Seriousness

Crimes are classified by seriousness into three categories: felonies, misdemeanours, and offences. However, this classification is not always fixed; rather, it varies according to time and place. An act may be considered a felony at one time and become a misdemeanour or an offence at another.

B. Classification of Crimes According to Their Positive or Negative Nature

Crimes are classified according to their nature into positive crimes and negative crimes. The legal definition of crime is “an act or an omission”. Positive acts that violate the law, such as theft, murder, assault, and rape, constitute positive crimes. Conversely, refraining from performing an act required by law, such as failing to report certain crimes, constitutes a negative crime.

C. Classification of Crimes According to Their Continuity

Crimes are classified into instantaneous crimes and continuing crimes. An instantaneous crime consists of an act that occurs at a specific moment and ends once it has been committed, such as murder and forgery. A continuing crime consists of a renewed, ongoing act, such as concealing stolen property or abducting a child.⁶

D. Classification of Crimes According to Intentionality

- An intentional crime is one in which the offender deliberately commits the act; in other words, it is a crime in which criminal intent is present. An unintentional crime, however, is one in which criminal intent is absent, such as accidental homicide and unintentional injury.
- **Classification of Crimes According to the Direction of Harm:** Crimes are classified into crimes harmful to the public interest, crimes against the state, crimes harmful to individuals, such as murder and theft, as well as political crimes and military crimes.
- **Classification of Crimes According to Organisation:** Crimes may be classified into:
 - Professional crimes, such as prostitution and drug-related crimes.
 - Non-professional crimes, such as ordinary theft.⁷

1. The Elements of Crime¹

A. The Material Element of Crime

The material element of crime refers to every criminal act or behaviour committed by a sane person, whether positive or negative, that results in a consequence affecting a legally protected right, such as the right to life. This element is manifested, for instance, in the offender's commission of the act of murder, which consists of intentionally taking a human life.

Based on the above, the components of the material element can be identified as follows:

The positive or negative act: It must be voluntary.

The positive act: It consists of a person assaulting another individual through physical violence. In this case, the act of assault is present, together with the offender's intention towards the victim.

The negative act: It consists, for example, of a person refraining from providing first aid to another person in an imminent, life-threatening situation.

The consequence: Following the commission of the act, the consequence in the crime of assault resulting in death is the occurrence of death, while the act itself is the assault.

The causal relationship: The causal relationship is represented by the connection between the committed act and the resulting consequence. For example, death may be the result of physical assault; had the assault not occurred, the victim would not have died.

B. The Legal Element of Crime

Article 1 of the Penal Code stipulates: "There is no crime, no punishment, and no security measure except by law." Therefore, no person may be punished for a crime unless there is a valid legal provision in force. The legal element determines whether the material element of the crime is lawful or unlawful. As an embodiment and affirmation of the principle of legality, the Algerian Constitution provides for this principle in several articles, including:

- **Article 133:** "Criminal penalties are subject to the principles of legality and personal responsibility."

Based on the above, the elements of the legal element of crime may be identified as follows:

1/ Conformity of the act with the criminalisation provision: This means that the act criminalised by law must correspond to the existing legislative provision. For example, theft of water or electricity is punishable under Article 350(2) of the Penal Code.

2/ The committed act must not be subject to any justification for legality: Legitimate defence, for instance, removes an act criminalised by law from the scope of criminal liability, such as self-defence or the defence of others, as provided for in Articles 39 and 40 of the Penal Code.

C. The Moral Element of Crime

The moral element refers to criminal intent. Although there is no clear definition of criminal intent, Professor Abdallah Slimane defined it as "knowledge of the elements of the crime and the intention to commit it". The Algerian Penal Code defines criminal intent as the concurrence of knowledge and intention, as stipulated in Articles 73 and 254.

Based on the previous definition, the elements of criminal intent can be identified as follows:

1/ Knowledge: In Algerian criminal law, knowledge means that the offender is aware of the elements of the crime being committed. For example, in theft, the offender must know that the act is legally prohibited, as theft involves unlawfully taking another person's property. Similarly, in the crime of murder, knowledge is demonstrated by the offender's awareness that murder

consists of taking a human life once the intended consequence, namely death, occurs. If this crime does not occur, criminal intent is absent in the case of an unintentional offence.

For the element of knowledge to be established, the judge must verify the existence of three elements:

1-1/ The offender must be aware of the right being violated.

1-2/ The offender must recognise the seriousness of the act committed against another person's right.

1-3/ The offender must be aware of the consequence resulting from this act (causing harm to another person).

2/ Intention: Intention is an essential element of criminal conduct. It refers to the activity carried out by the offender and represents the psychological state directed towards achieving the criminal act. In the absence of intention, criminal intent does not exist. When the offender's intention is established, the case concerns intentional crimes. For example, in the crime of murder, the offender deliberately intends to take another person's life by achieving the consequence of death.

However, if the offender's voluntary conduct in a murder case is not directed towards achieving such a consequence, the act is considered an unintentional crime and is classified as involuntary manslaughter.

Second: The Sociological Approach to the Interpretation of the Criminal Phenomenon

Numerous perspectives and theories have emerged to interpret the criminal phenomenon. The following section presents some sociological theories that seek to explain this phenomenon.

1. Anomie Theory (Anomie)

Definition of Anomie:

Lotfi defined anomie as situations in which social norms are absent or ambiguous.¹

A. Émile Durkheim

The theory of anomie emerged with the concept of anomie, which became associated with Émile Durkheim's perspective. He was the first to use this concept in the sixteenth century.²

Émile Durkheim rejected psychological and biological explanations of crime because they moved away from social interpretations. He emphasised that crime is a natural social phenomenon, although it is not a normal one, and that it is a phenomenon found in all societies and historical periods. It persists alongside the continuity of social systems. According to Durkheim, the functions of social institutions help reinforce society's objectives, and the occurrence of crime indicates that society lacks the authority to prevent all forms of deviance. Moreover, the existence of crime reflects the presence of social conditions that allow individuals to pursue criminal behaviour. In Durkheim's view, this phenomenon stimulates collective consciousness, encouraging society to preserve its traditions, customs, and ideals, while maintaining social solidarity leads to stability within society.³

Durkheim referred to the concept of anomie again in his book *Suicide*, where he attributed the anomic type of suicide to the disorder and functional imbalance prevailing in the system of social

values and norms, resulting from sudden and profound changes such as economic crises, periods of sudden prosperity, or the breakdown of family integration. The fragmentation of social relationships leads to individuals' inability to fulfil their aspirations, causing a loss of self, feelings of emptiness, frustration, and failure. This results in the breakdown of social bonds between individuals and their social units, creating a sense of isolation that may lead to suicide.

Durkheim's concept of anomic suicide is characterised by detachment from values and rejection of established norms, accompanied by an increasing sense of isolation. Therefore, its rates increase in urban areas compared with rural areas, in countries experiencing significant economic prosperity, as well as during periods of severe economic and social crises. Durkheim translated anomie as a state of normlessness, which appears in three main forms:

- A social situation lacking appropriate rules.
- Ambiguity and uncertainty surrounding the rules governing social situations.
- The absence of agreement regarding appropriate social rules or the lack of a general interpretation of these rules.

It can be observed that Durkheim focused on individuals' basic needs and the extent to which their desires are fulfilled. He considered the relationship between social values and cultural norms dynamic rather than static, because concern for goals is sometimes not accompanied by concern for the means. Accordingly, he identified three forms of deviant behaviour:

- **Biological and psychological deviance:** This type of deviance is attributed to the individual rather than society, as the individual is unable to adapt to societal values and fails to achieve conformity due to biological characteristics or psychological personality traits that conflict with social systems and values, leading to deviance.
- **Functional deviance:** In this case, the individual attempts to reform a society in which equality and the conditions necessary for a normal life are absent. From society's perspective, the individual who opposes corruption is considered deviant.
- **Social deviance:** This arises from two main sources:
 - Anomie, which involves the absence of social norms and rules.
 - Egoism, which refers to absolute individualism accompanied by the reinforcement of societal values.

B. Robert Merton⁴

Robert Merton addressed Durkheim's idea of suicide and gave it a new theoretical dimension in explaining deviant behaviour. He developed a middle-range theory to interpret deviance, arguing that deviant behaviour generally does not arise from individual motives or personal incentives to violate social control rules. Rather, it constitutes a form of social deviation resulting from the interaction between the social system and the culture of society, which encourages its emergence and development.

Merton explains his argument by stating that there are two fundamental elements within the culture and social systems of society:

1. **The goals established by culture for members of society:** These goals are shared by all members of society, who aspire to achieve them.
2. **The legitimate social means:** These are the socially approved means that enable individuals to achieve their goals in a legitimate manner.

Social problems represented by deviation from normal behaviour emerge when a balance is disrupted between these goals and the means available for achieving them in any society. This exposes society to disorder, instability, a lack of organisation, and the emergence of deviant behaviours.

Merton provided the example of contemporary American society to explain the occurrence of such imbalance. Society establishes major goals for individuals but, on the other hand, does not provide equal opportunities for achieving these goals. Consequently, when individuals find themselves unable to attain legitimate goals through legitimate means, they seek alternative methods to achieve these goals through illegitimate means, creating a background for the widespread emergence of deviant behaviour.

To describe individuals' adaptation to the goals established by society and the legitimate means defined for achieving those goals, Merton identified five modes of adaptation:

1. **Conformity:** This refers to individuals' acceptance of the goals established by the cultural structure of society and their acceptance of socially legitimate means for achieving these goals. This mode represents the most widespread form of behaviour in most human societies and constitutes a source of stability and the absence of deviant phenomena.
2. **Innovation:** This refers to accepting the goals established by the cultural structure of society while rejecting the legitimate means of achieving them.
3. **Ritualism:** This consists of individuals' acceptance of legitimate means for achieving goals without having any form of commitment to the goals themselves.
4. **Retreatism:** This is based on the rejection of both the goals and means approved by society. Drug addicts are an example of this category.
5. **Rebellion:** This involves rejecting legitimate goals and means while seeking to create new goals and means that differ from those established by society.⁵

1. Differential Association Theory: "Edwin Sutherland"

This theory was developed by the American scholar **Edwin Sutherland**, who based his sociological theory on a hypothesis that he referred to as "differential association". The theory was introduced to identify the processes necessary for the formation and development of criminal behaviour.¹ It emerged in 1938 and argues that individuals acquire the cultural patterns of the neighbourhood in which they live and adopt its characteristics, particularly when no other competing cultures exist to influence them towards different behavioural patterns.²

Sutherland was influenced by the ideas of the American behaviourist school in the 1920s. He believed that crime is preceded by social conditions that affect psychological variables. These conditions represent a state of social disorganisation affecting the social structure, leading to

dysfunction within its social systems, particularly the system of social control and the institutions responsible for performing this function, foremost among them the family, school, and social clubs. These institutions and their functions contribute to the transition of individuals from criminal behaviour to non-criminal behaviour.³

Sutherland assumed that individuals acquire criminal behavioural patterns in the same way that they acquire law-abiding behavioural patterns. In other words, criminal behaviour is learned through interaction with other individuals. According to Sutherland's differential association theory, criminal behaviour is acquired rather than inherited; individuals learn it through association with others through communication and social interaction among members of the same group or society, whether through verbal communication or, in some cases, through sign language.

He argues that what individuals learn through their association with others consists of two fundamental aspects:

- **The first aspect:** It includes the material and technical elements related to methods of committing crimes, the means of preparing for their commission, planning, organisation, execution, and all subsequent activities following the commission of the crime.
- **The second aspect:** It includes attitudes, orientations, motives, and justifications that encourage individuals to commit crimes or criminal acts, or that prepare them to live within the world of crime and belong to a criminal community.⁴

Sutherland's theory emphasised the importance of learning and the role of social conditions surrounding individuals, as association with others enables the acquisition of criminal skills and circumstances that encourage participation in criminal behaviour.⁵ Sutherland also argued that external influences affect all individuals to the same degree, regardless of differences in their biological and psychological composition; rather, differences arise from variations in the stimuli themselves.⁶

2. Opportunity Structure Theory

The opportunity structure theory developed by Cloward and Ohlin attempted to benefit from Merton's anomie theory, which focuses on identifying the social sources of deviance, and from Sutherland's differential association theory, which examines how deviant behaviour is transmitted. Cloward and Ohlin's theory sought to explain the emergence of delinquent groups among lower social classes and the factors contributing to the emergence of delinquent subcultures.

The opportunity structure theory added that the availability of opportunities for certain groups occupying specific positions within the social structure enables them to achieve their goals through deviant means. The theory includes two dimensions:

- The extent to which legitimate and socially accepted opportunities are available for achieving goals.
- The extent to which deviant opportunities are available for achieving goals.

The opportunity structure theory explains deviant behaviour by arguing that young people from lower social classes in urban areas live in a world characterised by a significant gap between their aspirations and the legitimate opportunities available to achieve them. With the existence of deviant opportunities available to disadvantaged young people to achieve their objectives, individuals' failure to accomplish their goals is linked to the social structure or results from a lack of opportunities. Thus, the opportunity structure theory views deviant criminal behaviour as a delinquent subculture that emerges when the social structure becomes dysfunctional or disrupted, and individuals are unable to adapt to this dysfunction or disruption. The delinquent subculture then represents a collective solution to the problem of adaptation in a society that has failed to provide equal opportunities for all its members to achieve the goals established for them.⁷

3. Social Disorganisation Theory

This theory explains the criminal phenomenon through social disorganisation, which Michel Mann defines as a concept referring to a set of disturbances affecting the patterns, systems, and traditions of society. These disturbances are associated with social change and, conversely, negatively affect social control.

Social disorganisation occurs within the components of social organisation, which consist of a set of rules, regulations, norms, values, and ideas that define and organise relationships between individuals. The occurrence of disorganisation within this organisation means that these rules fail to perform their fundamental functions, creating a state of disorder and instability. Forms of social disorganisation include:

- The failure of social institutions to strengthen their relationships with one another, which hinders the achievement of their objectives.
- The weakening of relationships connecting individuals with one another, leading to the spread of individualism among them.
- The failure of society to modify or renew social norms guiding behaviour in response to rapid social change.
- The failure of social norms to provide legitimate pathways through which individuals can achieve their goals.

1. Cultural Conflict Theory

In 1938, Sellin conducted a study on cultural conflict and crime, highlighting the importance of cultural conflicts in the emergence of criminality. He argued that criminal behaviour results from the clash between different behavioural norms within the same society.¹

The lack of agreement between the ideas, principles, values, and beliefs of two cultures leads to cultural conflict. It has become evident that cultural conflict exists in contemporary societies characterised by clear diversity in their demographic composition and social components. Cultural conflict may be either internal or external, such as the conflict between rural culture and urban culture, or between a culture of underdevelopment and a culture of progress. Proponents of this theory attribute criminality to situations of cultural conflict, arguing that such conflicts create

confusion within society, which is reflected in individuals' behaviour and may lead them to engage in actions that remain socially unacceptable within the dominant culture.²

2. Social Labelling Theory

The social labelling approach is considered one of the most prominent modern sociological approaches concerned with the study of deviance and crime. It emerged within the symbolic interactionist perspective in sociology, focusing on social interaction and society's reactions to deviant behaviour rather than on the criminal act itself. Social labelling does not consider deviance to be an inherent characteristic of the individual; rather, it views it as the result of a social process through which society and its institutions attach the label of deviance to an individual.

This approach has been associated with several prominent scholars, particularly Frank Tannenbaum and his concept of "Dramatisation of Evil". This concept suggests that when society places excessive emphasis on an individual's wrongdoing, it transforms that act into a permanent characteristic attached to the person. Instead of viewing the individual as someone who has committed an offence, society begins to perceive them as a "criminal" or "deviant". Consequently, society's reaction contributes to the formation of the individual's criminal identity, as the person begins to perceive themselves according to the way others perceive them.²³

Similarly, Erving Goffman examined the impact of stigma on an individual's social identity in his book *Stigma*. Goffman argues that stigma distorts an individual's social identity, as the person becomes subject to social rejection, negative perceptions from others, and loss of social integration. He also emphasised that a stigmatised person faces difficulties in establishing normal social relationships due to the negative image constructed by society about them.²⁴

Conclusion

In conclusion, crime is not merely an isolated individual behaviour; rather, it is a complex social phenomenon shaped by social structure and by transformations and dysfunctions that affect values, norms, and social relationships. Various sociological approaches have sought to interpret crime by examining the social environment in which individuals live, linking deviance to social disorganisation, anomie, weak social control, social inequality, processes of interaction, and social labelling. These approaches have also demonstrated that the phenomenon of crime reflects a combination of social, economic, and cultural factors that influence the behaviour of individuals and groups. Therefore, understanding crime requires examining the social context that produces it rather than treating the individual as solely responsible. Accordingly, reducing the criminal phenomenon cannot be achieved solely through legal and punitive measures; it requires addressing social dysfunctions, strengthening the role of socialisation institutions and social control mechanisms, and promoting social justice and social integration, thereby contributing to the construction of a more stable and cohesive society.

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