

MOCK-7

Criminology

SECTION-I

Question # 02:

Define and discuss the concept of crime in Criminology. How does crime differ from deviance, and why is the study of crime and its causes essential for understanding societal dynamics?

I. INTRODUCTION

"Crime is a social harm which has been made punishable."

(Black's Law Dictionary)

In the democratic legal tradition, even a person who admits to having committed a crime is not designated as a criminal until criminality has been proven by means of the accepted court procedures. There are different definitions of crime while studying criminology from different perspectives. Besides this, there is a huge difference between crime and deviance. In addition, the study of crime and its causes are essential for understanding societal dynamics.

II. DEFINITION OF "CRIME"

According to Michael Adler:

"Crime means violating the existing penal code of the country."

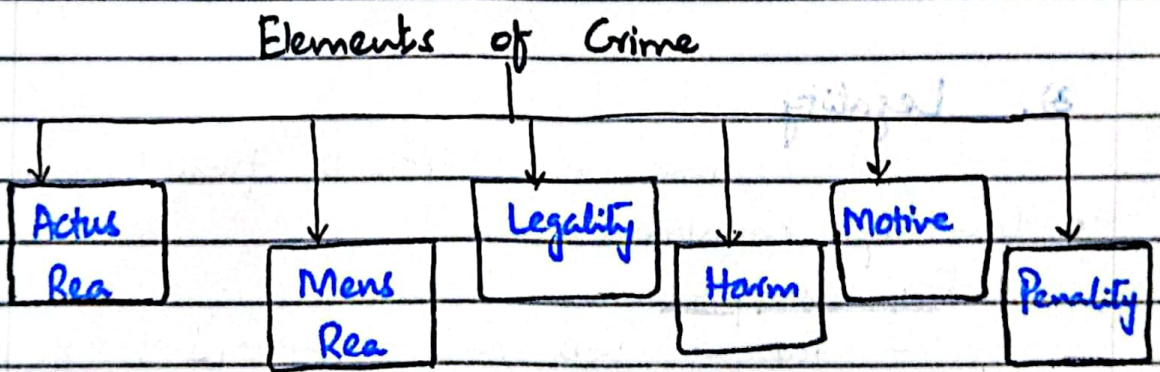
According to Diane Roe, crime is defined as:

- CRIME**
- A crime is wrong against the state.
 - Either by commission or omission.
 - Classified by the state as criminal.
 - One to which punishment is attached.
- (Criminal Law, 3rd Ed, 2005)

Similarly, crime can also be defined as:
"A crime is an act committed or omitted in violation of public law either forbidding or commanding it."
(Blackstone)

III. ELEMENTS OF CRIME

Crime varies from law to law. Following are the elements of crime:



The detail of all these elements of crime is given as:

1). Actus Rea:

Actus Reus means criminal action. The concept of crime has evolved over the time. In ancient and medieval

ages, normally this was the sole criterion to establish criminal liability with little regard to the facts and circumstances leading to such cases.

For examples

- Killing.

- Abducting.

- Stealing etc.

2). Mens Rea

Mens Rea means guilty mind or criminal intent. This implies that crime must be outcome of such intent.

For example:

- To loot the wealth of the victim after killing him.

- Running over someone while going on road. (If you are within speed limit and not under influence, you have not committed a crime).

3). Legality

Crime is different from law to law of countries.

For example:

- Taking pets on a walk ^{daily} is a law in Italy, and violating this law is a crime.

4). Harm

Crimes often involve actions that cause harm to individuals, property, or society at large.

For example:

- Burning home, shop, or vehicles in a protest is crime.

57. Motive

When you catch someone you check what is the motive behind it. Either it is for revenge, money, crime of passion, or crime of hate.

6. Penalty

Penalty is an act that is considered as crime if the law says so.

IV. CRIME vs. DEVIANCE

| Crime | Deviance |
|--|---|
| Crime refers to the violation of law. | Deviance refers to the violation of social rules, norms, and conventions. |
| Crime is often the same between societies. However, the penalty differs. | Deviance results in social sanctions and stigma. |
| Crime is always punishable by law. | Deviance varies from society to society. |
| Agents of control are the police and judiciary. | Agents of control are societal pressure. |

7. IMPORTANCE OF STUDYING CRIME

The importance of studying crime is as follows:

1. Social Order and Control

Understanding crime helps societies establish and maintain social order by identifying and addressing behaviors that disrupt stability.

2. Policy Development

Criminological research informs the development of effective policies and interventions to prevent and control criminal behavior.

3. Justice System Improvement

Studying crime aids in improving the criminal justice system by identifying flaws, biases, and areas for reform.

4. Social Change

Examining the root causes of crime contributes to addressing social inequalities, economic disparities, and other structural issues that may fuel criminal behavior.

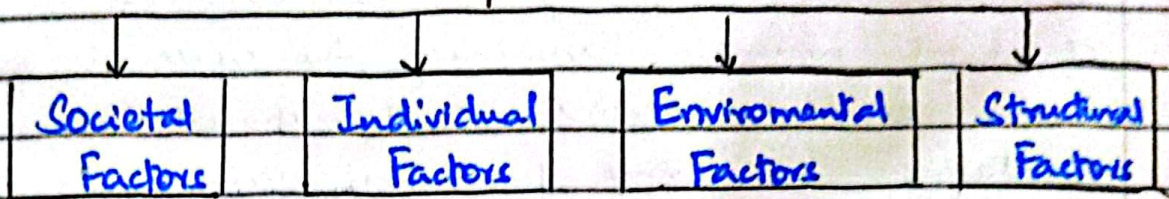
5. Public Safety

Knowledge of crime patterns and causes enhance public safety measures and help communities devise strategies for crime prevention.

V. CAUSES OF CRIME

Following are the causes of crime:

Causes of Crime



1. Societal Factors

Social conditions, economic inequality, and cultural influences can contribute to criminal behavior.

2. Individual Factors

Psychological traits, personality disorders, and biological factors may influence an individual's likelihood of engaging in criminal acts.

3. Environmental Factors

Neighborhood characteristics, availability of resources, and community cohesion play a role in crime rates.

4. Structural Factors:

Systemic issues, such as discrimination, lack of access to education or employment, can contribute to criminal behavior.

VI CONCLUSION

In conclusion, crime in criminology

CRIME CAUSES ESSENTIAL

refers to behaviors prohibited by law, and its study is essential for comprehending societal dynamics. Crime differs from deviance in that it specifically involves violations of legal norms. Examining the causes of crime enables societies to develop effective strategies for crime prevention, social justice, and the improvement of the criminal justice system.

SECTION - II

Question # 04

Discuss in detail the major components of juvenile justice process, from arrest to adjudication and disposition. What factors are considered in determining the appropriate interventions for juvenile offenders? Also enlist the major shortcomings in Pakistan's Juvenile Justice System.

1. INTRODUCTION

"The only effective way to reduce and prevent juvenile crime is to balance tough enforcement measures with targeted, effective and intervention initiatives."

(Janet Reno)

The Juvenile Justice System (JJS) is the structure of the criminal legal system that deals with crimes committed by minors, usually between the ages of 10 and 18 years. The upper age limit of eligibility is determined by the Juvenile law of the state, which is variable. The major components of juvenile justice process from arrest to adjudication and disposition are: Police, Juvenile Court Process and Juvenile Correctional Institutions. Despite this, there are several steps and measures that can be adopted for improving the juvenile justice in Pakistan.

II. JUVENILE JUSTICE SYSTEM

• Definition:

The Juvenile Justice System can be defined as:

The Juvenile Justice System (JJS) is the structure of the criminal legal system that deals with crimes committed by minors, usually between the ages of 10 and 18 years. The upper age limit of eligibility is determined by the Juvenile law of the state, which is variable.

• Goals of Juvenile Justice System

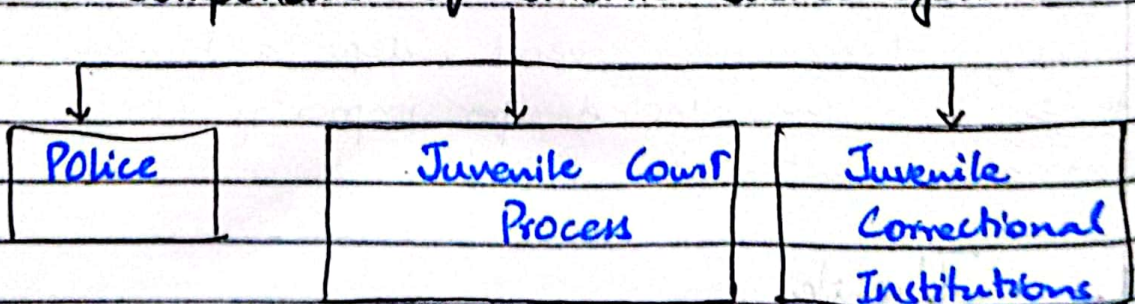
The goals of the juvenile justice process are as follows:

- Identification and explanation of delinquency.
- Treatment and successful reintegration of youth into the society.
- Overall public safety.

III. MAJOR COMPONENTS OF JUVENILE JUSTICE SYSTEM

The major components of Juvenile Justice System (JJS) are as under:

Components of Juvenile Justice System



1). Police

The juvenile offender should be handled by the police as per the guidelines of JJSA 2018 and PPC 1860.

• Role of Police

→ Determination of Criminal Liability

a). According to PPC 1860 - Section 83, there will be no criminal liability of 7-12 years of age juveniles. In 2016, further protection was given by 2nd Amendment in Criminal Law Act by extending the age to 14 years (exception Anti Terrorism Act 1997).

b). The police should make sure that a delinquent act has been committed.

→ Informing about The Right of Legal Assistance

According to JJSA 2018, a juvenile should be informed about his legal rights of assistance at the expense of the state, within 24 hours of taking him in custody.

→ Apprehension of the Offenders

If the offender is known, he should be 'apprehended' by the police and kept in observation home.

→ Collection of Evidence and Conduction of Inquiry / Investigation

• Police shall collect the evidence from the crime scene and preservation of crime scene.

- The investigation (interrogation and interviews) from the child should be carried out in the observation home.

→ Presenting the Offender to the Court

- within 24 hours of apprehension of offenders.

2). Juvenile Court Procedure

It can be determined by JJSO - 2000, JJSA - 2018 and CrPC 1898.

• Components:

Following are the components of Juvenile Court procedure:

i). Judiciary.

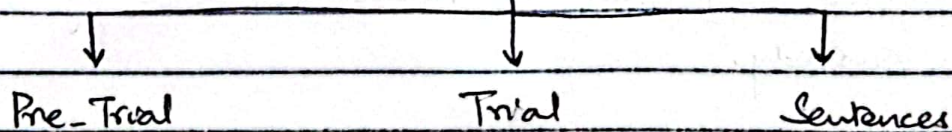
ii). Prison.

iii). Probation.

• Stages:

Juvenile court procedure is based on three stages:

Stages of Juvenile Court Procedure



i). Pre-Trial Stage:

Verification of the facts and reports provided Social Information Report (SIR).

ii). Trial Stage:

a). Conduct by special judge appointed by provincial government.

b). It should be concluded within 90 days.

c). There should be separate trials for juvenile offenders.

d). Grant of bail for juveniles under age of 16 (at the time of crime commission) even for non bailable crimes. (CrPc, Section 479).

e). Imposition of penalties for disclosure of identity of juvenile, or publishing the proceedings of Juvenile Court.

iii). Sentence Stage

a). According to JJSA 2018, no death sentencing or life imprisonment for juveniles.

b). Sentencing should be based on Probation Law (JJSA - 2018).

c). Juvenile should be kept in rehab centers instead of prisons (till the age of 18 or completion of imprisonment) and not to be kept with adult criminals.

d). Juvenile Justice Committee (JJSA 2018): disposal of case through diversion.

IV MAJOR COMPONENTS OF JUVENILE JUSTICE PROCESS

Following are the components of juvenile justice process:

1). Arrest

→ Law Enforcement: The process begins with the arrest of a juvenile offenders by law enforcement agencies.

→ Detention: The juvenile may be held in a juvenile detention center, a temporary facility, while awaiting court proceedings.

2). Intake and Referrals

→ Decision to Prosecute: The intake process involves determining whether to divert the case from formal court processing or file charges.

→ Diversion Programs: Some jurisdictions offer diversion programs, such as counselling or community service, as an alternative to formal court proceedings.

3). Initial Hearing / Detention Hearing

→ Probable Cause Determination: The court assesses whether there is probable cause to believe the juvenile committed the offense.

→ Detention Decision: The court decides whether the juvenile should be held in custody or released to parents/guardians.

4). Adjudication:

→ Court Proceedings: This is the trial phase, where evidence is presented, and the court determines whether the juvenile is responsible for the alleged offense.

→ Adjudication Order: If found responsible, the court issues an adjudication order.

5). Disposition

→ Sentencing: The court decides on the appropriate disposition, considering the severity of the offense and the juvenile's background.

→ Rehabilitation Programs: Common dispositions including probation, counselling, community service, or placement in a juvenile facility.

6). Post-Adjudication Review:

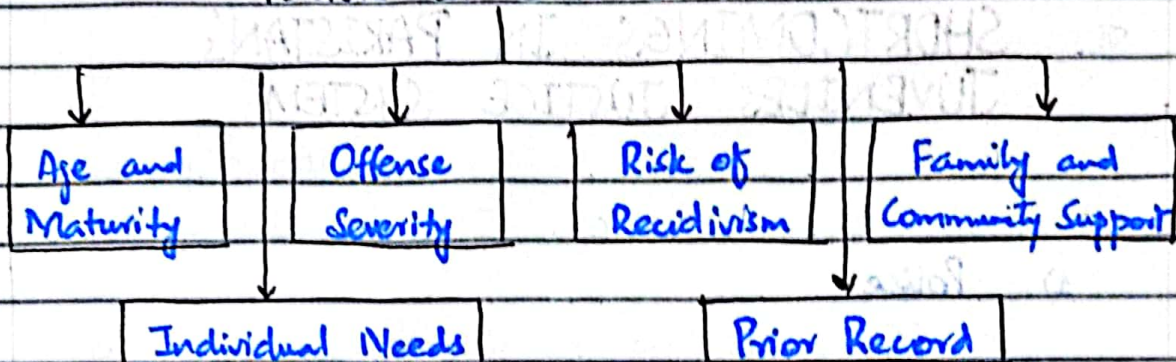
→ Appeals: Juveniles may have the right to appeal adjudication or disposition decisions.

→ Follow-up: Courts may monitor progress and compliance with court-ordered interventions.

V. FACTORS CONSIDERED IN DETERMINING INTERVENTIONS

Following are the factors that must be considered in determining interventions:

Factors in Intervention



1). Age and Maturity

Juvenile's age and level of maturity must be considered.

2). Offense Severity

The seriousness of the offense and its impact on victims and the community.

3). Risk of Recidivism:

Assessing the likelihood of the juvenile reoffending and the need for interventions to prevent future criminal behavior.

4). Family and Community Support

The availability of supportive family and community resources.

5). Individual Needs:

Identifying individual needs, such as education, mental health, or substance abuse treatment.

6). Prior Record

Examining the juvenile's prior delinquency history.

VI. SHORTCOMINGS IN PAKISTAN'S JUVENILE JUSTICE SYSTEM:

There are multiple problems at different levels of Juvenile Justice System.

1). Police

i). There is no consistent procedure of age determination.

ii). There is lack of training and knowledge about JJSO 2000 and JISA 2018.

- children are kept with adult criminals.

- Children are treated as hardened criminals.

iii). Corruption is present in police.

iv). Work load is greater than work force.

2). Courts

i). Courts are overburdened.

ii). Court process are slow.

iii). There is always pressure from powerful groups.

- iv). There are problems in pre-trial phase.
- v). Lack of management and awareness of District Legal Committees.
- vi). Lack of communication and coordination between police and probation departments thus resulting in delay.

3). Prisons

- i). Prisons are over crowded.
- ii). There are poor hygiene and sanitation system.
- iii). There are lack of prisons for juveniles.
- iv). There are lack of human and material resources.

4). Probation

- i). There are lack of human and material resources.
- ii). The departments are dysfunctional.
- iii). There are low budgetary allocations.

5) Other Factors

Other factors includes:

- i). Age determination Issues:
Difficulty in accurately determining the age of juveniles, leading to potential misclassification.
- ii). Inadequate Rehabilitation Programs:
Limited access of rehabilitation programs, hindering the reintegration of juvenile offenders in society.

iii). Lack of Specialized Personnel
Insufficient trained personnel including judges, lawyers, and social workers with expertise in juvenile justice.

iv). Inadequate Legal Representation
Juveniles may lack proper legal representation, affecting the fairness of court proceedings.

v). Societal Stigma.
Stigmatization of juvenile offenders, hindering their integration and social acceptances.

vii. Reformation of JUVENILE JUSTICE SYSTEM IN PAKISTAN.

Following are the remedial measures:

1). There should be the establishment of borstal institution in all provinces.

2). Arrest, detention and imprisonment of child should be avoided and for shortest possible time.

3). There should be a ban on life imprisonment of juveniles for rehabilitation.

4). Special training of prison staff is needed to use kind language with juveniles.

5). Clear guidelines must be given for the effective role of probation officers.

VII. CONCLUSION

In conclusion, JJS is the structure of the criminal legal system that deals with crimes committed by minors. There are major components of juvenile justice process. Also, there are shortcomings in Pakistan's Juvenile Justice System. Despite this, there are several steps and measures that can be adopted for improving the juvenile justice in Pakistan.

SECTION - III.

Question # 6

Examine the process of criminal investigation in Pakistan, considering both traditional and modern methods. Discuss the role of forensic technologies, and legal procedures in ensuring a thorough and fair investigation.

I. INTRODUCTION

Criminal Investigation is a process of collection and analysis of information and evidence to identify and prove the guilt of an offender.

"Nothing matters but the facts.

Without them, the science of criminal investigation is nothing more than a guessing game."

(Blacke Edward)

Criminal investigation is based on facts and evidences in order to trace a crime. Beside that, the role of forensic technologies and legal procedures in ensuring a thorough and fair investigation.

II. DEFINITION OF CRIMINAL INVESTIGATION

Criminal Investigation is defined as:

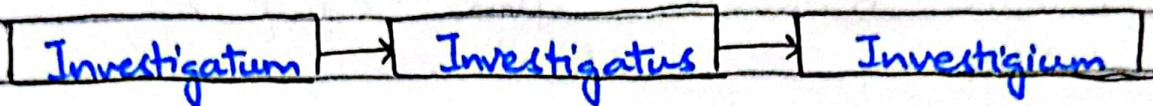
"The collection of information and evidence for identifying, apprehending, and convicting suspected offenders."

(Elinor Ostrom)

Another definition of Criminal Investigation is given as:

A lawful search for people and things to reconstruct the circumstances of an illegal act, approved to determine the guilty party, and aid in the states prosecution of the offenders

(Bruce L. Berg)



II. CRIMINAL INVESTIGATION PROCESS IN PAKISTAN

Following are the Criminal Investigation Process in Pakistan:

- 1). Reporting and Initial Response
- 2). Crime Scene Investigation
- 3). Collection and Preservation of Evidence.
- 4). Forensic Technologies.
- 5). Interrogation and Interviewing
- 6). Legal Procedures.
- 7). Suspect Identification.
- 8). Criminal Analysis
- 9). Collaboration and Information Sharing.
- 10). Case Documentation.
- 11). Court Proceedings
- 12). Post Conviction Monitoring.

1). Reporting and Initial Response

Traditional Method:

Starts with the reporting of a crime to the local police station, leading to an initial response by law enforcement.

Modern Method:

Introduction of helplines and online reporting systems for efficient communication.

2. Crime Scene Examination

Traditional Method

Crime scene investigators collect evidence manually, often relying on photography and sketches.

Modern Methods:

Integration of advanced forensic technologies for accurate crime scene documentation, including 3D scanning and digital imaging.

3. Collection and Preservation of Evidence

Traditional Method:

Basic evidence collection involving physical items like clothing, weapons, and finger prints.

Modern Methods:

Use of advanced forensic tools, such as DNA analysis, fingerprint databases, and digital forensics for electronic evidence.

4. Forensic Technologies:

DNA Analysis

Molecular techniques for identifying individuals based on DNA samples.

Finger-Print Databases

Automated systems for comparing finger prints and identifying suspects.

Digital Forensics

Examination of electronic devices for evidence related to cybercrimes.

Forensic Imaging:

Enhanced crime scene documentation using 3D scanning and image technologies.

5) Interrogation and Interviewing.

Traditional Methods

Manual questioning techniques to extract information from witnesses and suspects.

Modern Methods

Introduction of structured interview protocols and video recording to ensure transparency.

6) Legal Procedures:

Traditional Methods

Paper-based documentation and court proceedings.

Modern Methods:

Introduction of digital case management systems and e-filing to streamline legal procedures.

7) Suspect Identification

Traditional Method:

Relying on eye-witness accounts and line-up identifications.

Modern Methods:

Use of facial recognition technology and biometric databases for suspect identification.

9. Crime Analysis:

Traditional Method:

Manual analysis of crime patterns and trends.

Modern Methods:

Implementation of Geographic Information System (GIS) and crime mapping tools for data-driven analysis.

9) Collaboration and Information Sharing:

Traditional Method:

Limited inter-agency collaboration and information sharing.

Modern Method:

Implementation of integrated information systems of seamless collaboration among law enforcement agencies.

10. Case Documentation

Traditional Method

Paper based case files and documentation.

Modern Method:

Electronic case management systems for efficient data storage and retrieval.

11. Court Proceeding:

Traditional Method:

In person court appearances and manual case proceedings.

Modern Methods:

Use of videos conferences and virtual courtrooms for remote hearings.

12) Post-Conviction Monitoring:

Traditional Method:

Manual monitoring for released offenders.

Modern Method:

Implementation of electronic monitoring and offender tracking system.

III. CHALLENGES IN THE PAKISTANI CRIMINAL INVESTIGATION

Following are the challenges in Pakistani criminal investigation.

1) Forensic Infrastructure

Limited resources and outdated forensic laboratories hinder the effective use of modern forensic technologies.

2) Training and Capacity:

Insufficient training for law enforcement personnel in the use of advanced investigative tools.

3) Backlog of Cases:

High case loads and procedural delays contribute the case backlog in the legal system.

4). Digital Literacy:

Limited digital literacy among law enforcement officers, affecting the effective use of digital forensics.

5). Public Awareness:

Limited public awareness of modern investigative methods and their importance in ensuring a fair and thorough investigation.

IV CONCLUSION

In conclusion, Criminal Investigation is a process of collection and analysis of information and evidence to identify and prove the guilt of an offender. Besides this, the role of forensic technologies and legal procedures in ensuring a thorough and fair investigation plays a vital role.