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Part: II:

Q: 3:
Social Learning Theory in Criminology:

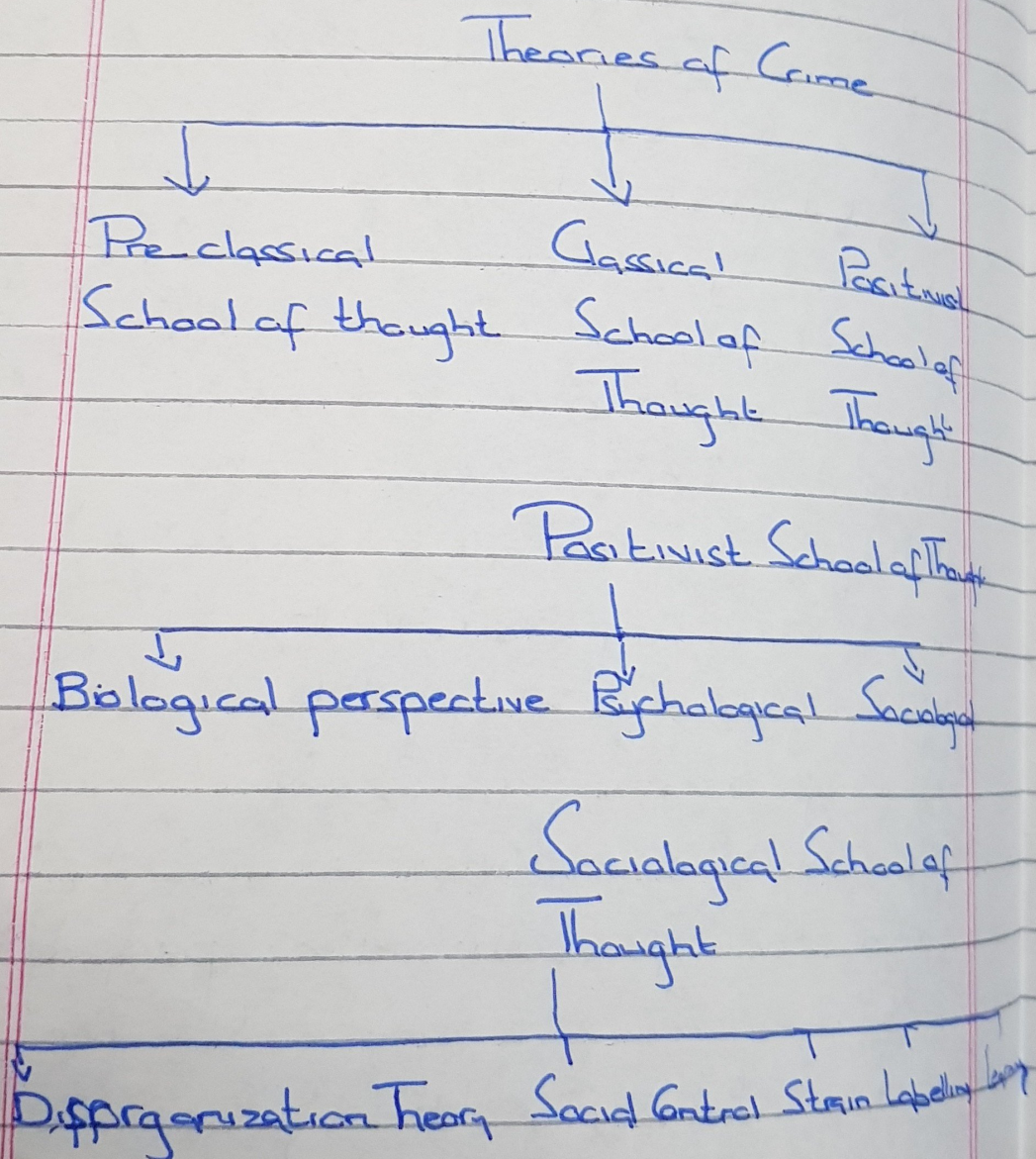
Introduction:

Criminology is an inter-disciplinary field of study that combines the legal aspects and various legal disciplines of crime with the concepts of psychology, sociology, and moral philosophy. It includes the study of nature, definition, causation, and prevention of crime. Under these domains, criminology tries to explain the reasons of causation and means to prevent it. By applying the sociological lens, many criminologists have tried to explain the causation of crime through a theoretical perspective. One of those theories is the "Learning" theory as the

cause of crime within a society

Different theories of crime:

Over the course of history, many criminologists have used the different domains of demonology, biology, psychology and sociology to explain causation of crime



Learning Theory:

The learning theory falls under the ambit of sociological perspective and is a part of the positivist school of thought. The positivist school of thought tried to counter the "free will" concept of classical school of thought for the causation of crime. According to positivist school of thought, in addition to the free will of an individual, there are some ecological and biological factors also, that influence the behaviour of an individual and push him to crime. Under this concept, the social learning theory developed by **Howard Becker** focused on trying to explain the tendency of crime by some individuals. According to Becker, the individual is not naturally deviant, rather he becomes one by learning the criminal tendencies from the people around him. This

premise is best explained by the famous quotation, "A man is known by the company he keeps".

A person learns and then behaves according to those learned propensities. For instance, if

two boys i.e. A and B are brothers

One of them is involved in

drug abuse while the other is

not. Now, according to the

Social labelling theory, one of them

is involved in drug abuse because

of his company, he has learned

this from his friends while the

other is not involved in such

company, so he abstains

from drug abuse. This example

reiterates that although both

are brothers but have different

behaviours because Criminal

behaviours are not inherited

rather they are learned.

This theory of social learning

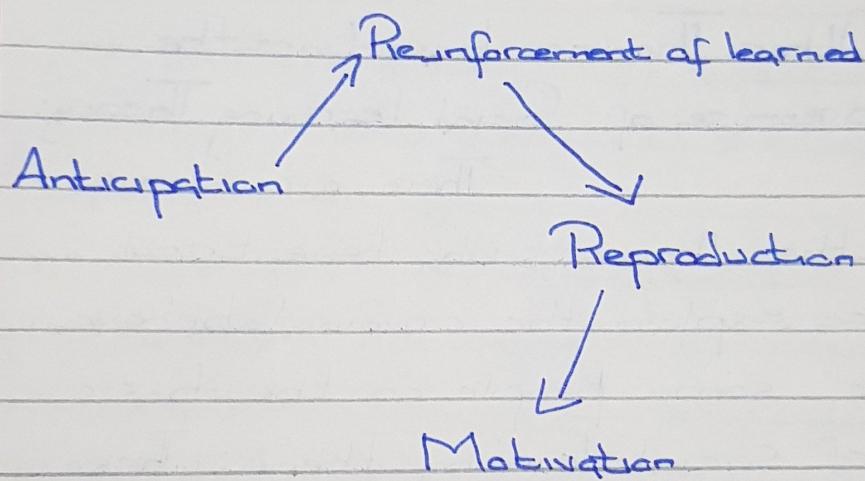
for the explanation of

causation of crime was

also forwarded by Edwin Sutherland and Tarde.

Process of Social learning:

According to the social learning theory, the process of learning is a complex and integrated one.



Social learning Process

First of all a person anticipates the behaviour that is to be learned. This happens because of the continuous involvement in a group. Then, the behaviours of peer groups are reinforced in the mind. Next, reproduction

, in accordance with the learned behaviour in form of actions, is done. At last, the learned behaviour becomes a motivation. In this way, a person turns to crime, by learning, reproducing and motivating himself for continuous acts of crime.

Other Theories based on the premise of Social Learning Theory

There are some other theorists who have tried to explain the criminal behaviour of some people on the basis of social learning theory. These are:

- (i) Tarde theory of imitations
- (ii) Differential association theory by Edwin Sutherland.

Tarde Theory of imitations:

Tarde, a German sociologist, has explained the learning behaviour of individuals

with the help of his three laws of imitations. According to him, a person tries to imitate the behaviour of others that he finds fascinating. For this purpose he has given three laws of imitation.

Law #1:

On individual level, a person imitates another person's behaviours

Law no.: 2:

An inferior group tries to imitate the superior, in order to be like them

Law no: 3:

Old traditions are replaced by new ones

Differential Association Theory:

The differential association theory by put forwarded by Edwin Sutherland. In this theory, he explains the acquisition

of criminal behaviour through interactions and exposure to criminal behaviour. According to Sutherland, any person is not inherently criminal, rather one becomes a criminal by differential associations. The criminal propensity depends upon following factors of interactions

(i) Duration of interaction:

Longer the duration of interaction, more is the learned behaviour. If a person interacts with a criminal minded person for a lesser duration of time, the possibility of learning the criminal values will also be low.

(ii) Frequency of interaction:

The probability of learning a particular behaviour, solely from interactions, also depends upon the number of

(i) L

theory focus

interactions. Higher the number of interactions, higher is the chance of learning a criminal value.

(iii) Intensity of Interaction:

Another important factor determining the learning of a deviant value, is the intensity of interaction. More intensity shows more indulgence and thus more possibility of learning a behavioural value.

These factors, according to Sutherland, determine whether a possible value will be learned, from a particular interaction, or not.

Critical Analysis:

(i) Criticism of not being empirical:

The social learning theory focuses on the

aspect that criminal behaviour is learnt but there is no scientific way to determine whether a criminal act was done due to a learned behaviour or not. Hence, it is not empirical and only based on rationality.

(ii) **Neglects the variation of intelligence:** This theory neglects that all humans are not same. The intelligence level varies from person to person. So, this theory fails to explain the acts of crime committed by those who are not intelligent enough to learn a behaviour.

(iii) **Not pre-emptive:** Last but not the least, this theory is not pre-emptive because it does not provide with a way to determine whether a particular criminal behaviour will be learned by an individual or not.

Conclusion:

Despite the criticism, the social learning theory proved to be revolutionary in the field of criminology as it gives another dimension on the causation of crime.

Section II:

Q.4:

Factors, components, and short comings of juvenile justice process.

Introduction:

Juvenile justice system is a system consisting of state authorities working for detection, investigation, probation, and prevention of delinquencies among juveniles. The juvenile justice process is the process that gets activated from the times

delinquent act is committed by an individual to the end process of disposition of the case

Major Components of Juvenile Justice Process:

The juvenile justice process, consists of following major components from arrest to disposition:

- (i) Lodgement of complain / FIR.
- (ii) Arrest by police officials
- (ii) Juvenile courts / judiciary → Trial
- (iii) Attorneys
- (iv) Defense counsel.
- (v) Social welfare officer → Community helpline
- (vi) Parole officer
- (vii) Dispersion / Disposition

Role of these components acc. to juvenile justice amendment act, 2018:

In Pakistan, the juvenile justice process

is guided by the "Juvenile Justice Amendment Act, 2018"

According to this act, the juvenile justice process starts from the arrest by police officials

Role of Police: / Arrest:

According to the above mentioned act;

- Police cannot subject the delinquent subject to arbitrary rule after the complaint against subject has been lodged.
- The subject cannot be handcuffed.
- Before trial, the state is ordained to place the subject in an observation home instead of prison.

Once, police has arrested the delinquent, they dispose the case by giving a warning and handing him to guardians or in case of a serious offense.

place him on observation home
Next, in line in the juvenile
justice process is the trial
in courts.

Trial in Courts:

According to the
juvenile Justice Amendment
Act, 2018 of Pakistan, the
juvenile delinquent is to be
provided with an attorney.
Once, the subject has been provided
with an attorney, the process
moves to trial in a juvenile
court where the judges are
bound to conclude within
6 months. Moreover, the sentence
cannot be a death penalty
and in case of other than heinous
crime, the subject is liable to
bail with or without surety
bonds.

On the discretion of courts,
the court can place the
delinquent in a rehabilitation

centre, or assign the subject to do community servicing under the supervision of a social welfare officer.

In case the court allows probation, the subject is placed under a probation officer and released with specific instructions regarding conduct.

Rehabilitation Centres:

It is the discretion of court to place the delinquent subject in a rehab. centre or release on probation. If placed in a rehab. centre, the subject is placed under a supervision of a social welfare officer and is advised to do community welfare.

Diversion/Alternate: In the court, diversion is preferred, i.e. alternate way of settlement of the case of a juvenile delinquent, on the

mean rape victim
gain DNA of the
matching. Moreover,

basis of his social, cultural, educational background.

Disposition:

The charges are quashed after completion of sentence in a rehab-centre or on completion of probation period.

Factors considered in determining the appropriate interventions of juvenile offenders:

There are various factors that are considered while determining appropriate interventions of juvenile offenders. These are mentioned below:

(i) Age of the offender:

The first and foremost factor is to determine whether the offender is juvenile or not. In this case, birth certificates and other educational certificates are seen. If

medical examination
rape victim in order to
DNA of the accused
over,

none of those is available,
then a medical board is
constituted to determine
the age. According to section
3 of Majority Act, 1875, minority
age is less than 18 years.

(ii) Nature of Crime:

Determining the Nature of crime
is another important factor
in determining the intervention
of juvenile offender. The crime
is placed in any of following
category

2- a. Minor crime → For these
minimum imprisonment is upto
3 years according to PPC.

b. Major Crimes → Minimum
imprisonment is between 3-7 yrs

c. Heinous crimes → Imprisoned
more than 7 years.

(iii) Social, Cultural, and Educational background of offender:

In Pakistan,

gain DNA of the accused
for matching. Moreover,

According to JJA Act, 2018, an alternate route is sought to determine the accused instead of trial. This is done to avoid the juvenile from mental trauma of court proceedings and this is based upon the social, cultural, and educational background of the offender.

(iv) Recidivism:

The offense that is committed again and again. Such a person is termed recidivist. It is a factor in determining the appropriate intervention of juvenile offender that whether or not, he is a recidivist or not.

Shortcomings of Juvenile Justice System: of Pakistan:

(i) Limited number of juvenile courts.

The juvenile justice Amendment Act, 2018,

rape-victim in order to

called for the trials of juveniles to be conducted in separate courts. But, it is a sorry state of affairs that there are not enough number of juvenile courts in Pakistan.

(ii) Under-training of Police: The police department is not well trained in handling of the juvenile offenders. So, most of the juvenile offenders are subjected to arbitrary behaviours of police.

(iii) Observation homes: According to the JJA act, 2018, the juveniles are to be placed in observation homes before the trial starts but, unfortunately, there are no such homes in Pakistan.

(iv) Lack of Public-Private Partnership
Various rehabilitation

ape - victim in order to
DNA of the accused
for matching. Moreover,

Centres are to be constructed with the help of N.G.Os but due to the lack of PPP, this process was halted.

(v) Dysfunctionality of JJC:

The dysfunctionality of the Juvenile Justice Committee is another short coming in the way of effective juvenile justice delivery.

Conclusion:

Although, the juvenile justice system of Pakistan is facing many short-comings with effective implementation of the Juvenile Justice Amendment Act, 2018, most of these short-comings can be overcome,

medical examination of rape victim in order to obtain DNA of the accused. Moreover,

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Section: III:

Qib:

Criminal Investigation in Pakistan.

Introduction:

The process of investigation enjoys an important position in the criminal justice system of any country. The importance of the criminal investigation process lies in the fact that in the Police Order, 2002 reforms of police in Pakistan, the process of criminal investigation was separated from the traditional policing. It was given the status of a separate category in the Police Order, 2002. Moreover, without proper criminal investigation, most

medical examination of a rape victim in order to gain DNA of the accused for matching. Moreover,

(2)

Crime cases cannot even go to trial. It is the process of collection, evaluation, analysis, and interpretation of the data.

Criminal Investigation in Pakistan

In Pakistan, both tradition and modern techniques of criminal investigation are employed.

Tradition techniques:

1- Interview:

Interview is a type of criminal investigation that is in practice from a very long time. The investigator reaches the crime scene, and asks questions regarding the incident. This can give him an indication of who to suspect.

view
goin DNA of
for matching

③

2 Interrogation:

Interrogation is another age old method of criminal investigation that is in practice in Pakistan. The investigator interrogates the suspects in order to gain information and in some cases to gain a confession. There are various ways of interrogation:

(i) Direct Confrontation:

Confrontation of the subject directly and eliciting a confession out of him.

(ii) Dominance: In this form, the investigator dominates and the subject might confess out of fear.

(iii) Showing empathy: Some suspects give information when sympathy is shown.

(iv) Justifying the act.

victim in order to
DNA of the accused
catching. Moreover,

In Pakistan, all these ways are employed. For example, the terrorists involved in the attack on Salankian team in Lahore were caught upon interrogation of the suspected individual.

Modern Techniques:

With the advancement in information technology, various modern techniques of criminal investigation have emerged. Some of them are mentioned below

(i) Information Intelligence

This technique is usually employed on country level whereby information is gained through interpersonal communications or interfering with the electronic signal. The obtained information is then applied to an ongoing investigation.

...NA of the ...
...atching Moreover,

It can take many forms that is:- Interpersonal communication, open source information:

Application: This type of investigative information gathering was applied when Pakistan captured an Indian agent during an espionage investigation.

2. Forensic Investigation:

Forensic investigation is the application of science to the investigation of a case. This can include a variety of sciences eg Medical, Dentistry, etc. In Pakistan, under **section 164 of CrPC, 1898**, it is mandatory to perform a medical examination of a rape victim in order to gain DNA of the accused for matching. Moreover,

forensic investigations can also include collecting fingerprints from a crime scene and then matching with the suspects. Also, gunpowder analysis, murder & weapon observations fall in the ambit of forensic investigation too. In Pakistan, there are various forensic laboratories built for the purpose of forensic investigation. eg Punjab Forensic Science Laboratory, Lahore.

3. Electronic Investigation:

This type of investigation is done by analyzing, collecting, interpreting and producing the data obtained from electronic devices. This type of data can then be used as an evidence. In Pakistan, Under section 24 of the Anti-Terrorism Act, 1997, data

obtained from electronic devices is admissible as evidence in the court of law. The characteristics of an electronic device are

- It can transcend borders
- It is fragile
- Can be easily tampered

Hence, during an investigation, the electronic devices need to be handled with extreme caution and by expert individuals.

Role of forensics in ensuring a thorough investigation.

During the course of an investigation, forensics play a very important role. The forensic experts not only work in laboratories but also serve as expert witnesses. This ensures that the investigation

is thorough and fair. Moreover, forensics can help apprehend the real offender by DNA, fingerprinting, toxicology etc. The evidence obtained through forensics is also admissible in the court of law and this ensures that the investigation was fair, thorough, and without any bias.

Conclusion:

Although the modern day techniques have revolutionized the criminal investigation, the traditional techniques are still being employed. In Pakistan, both techniques are in place. Moreover, forensics plays an important role in ensuring thorough and fair investigation of crimes.