

QUESTION # 03

SOCIAL CONTROL THEORIES

INTRODUCTION

Social control theories focus on the prevention and control of criminal behaviour, instead of crime causation.

The core principles of these theories include emphasis on socialization, moral codes, and denial of innate tendency of criminal behaviour. Social control theories like Bond Theory, Containment Theory, Neutralization Theory, and Power Control Theory focus on socialization to control crime. These theories propose effective remedies for crime control.

CORE PRINCIPLES OF SOCIAL CONTROL THEORIES

: 6/5

➤ Absence of Social Control Causes Crime

Social control theories posit that lack of effective social control leads to criminal and delinquent behaviour.

➤ Crime is Committed by Choice

These theories contend that crime and criminal behaviour is not inherent tendency in an individual. Rather, crime is committed by choice and the absence of social control leads an individual to make this choice.

➤ Focus on the Reason of Crime and Crime Control

Instead of focusing on crime causation, social control theories look for the reasons of criminal behaviour and dedicate more attention on methods to control crimes.

➤ Methods of Crime Control

Social control theories suggest that criminal behaviour can be 'limited' through effective 'social control'.

Social control can be made effective through propagation of moral codes and different processes of socialization.

UNDERSTANDING OF CRIMINAL BEHAVIOR AND REMEDIES FOR SOCIAL CONTROL

Different theories of social control provide different understanding of the criminal behaviour, albeit within the ambit of core principles. Following is brief overview of their understanding of criminal behaviour alongwith remedies for crime control:

1) THE BOND THEORY

UNDERSTANDING OF CRIMINAL BEHAVIOR:

The bond theory was proposed by Travis Hirschi, which suggested that criminal behavior occurs due to lack of strong social bond, which has four elements:

- (i) Attachment
- (ii) Commitment

(iii) Involvement

(iv) Beliefs

REMEDIES FOR SOCIAL CRIME CONTROL :

In the light of bond theory, crime control can be ensured through strong social bonding. Strong attachment with family and friends, commitment towards future and career, involvement in social activities and rituals and belief in morality and honesty can control crime.

2) THE CONTAINMENT THEORY

UNDERSTANDING OF CRIMINAL BEHAVIOR:

The containment theory, proposed by Walter Reckless, suggests that criminal behavior occurs due to a lack of effective internal and external containment.

(i) Inner Containment (Social Goals and Beliefs)

(ii) External Containment (Legal Deterrence)

REMEDIES FOR SOCIAL CRIME CONTROL :

In the light of containment theory, strong belief in social goals and morals and effective external pressure of laws can control crime.

3) NEUTRALIZATION THEORY

UNDERSTANDING OF CRIMINAL BEHAVIOR :

The neutralization theory suggests that criminal behaviour occurs due to self-rationalization and justification of crime by denial of responsibility, harm, victims.

REMEDIES OF CRIME CONTROL :

In the light of neutralization theory, criminal behaviour can be prevented and control by promoting moral values differentiating clearly between criminal and non-criminal behaviour.

4) POWER CONTROL THEORY

UNDERSTANDING OF CRIMINAL BEHAVIOR:

John Hagan, in power control theory proposed that criminal behaviour is due to weak family relations and control.

REMEDIES FOR CRIME CONTROL:

In the light of power control theory, strict family control can help in controlling crimes.

CONCLUSION

Social control theories contend that criminal behaviour can be controlled through strong social control, which is ensured by moral codes and effective modes and processes of socialization.

QUESTION # 06

CRIMINAL INVESTIGATIONS

INTRODUCTION

Interviewing and interrogation are the two most widely used techniques in criminal investigations. Interview is used to extract the information regarding the case whereas interrogation is used to test the validity of information. However, ~~with the investigator~~ the investigator should ensure ethical practices during questioning by keeping in eye the physical and mental health of the individual under investigation, not making any physical harm and thinking before converting interview into interrogation.

INTERVIEW'S USE IN THE INVESTIGATION

•> Purpose of Interview

Interview is used in criminal investigation to ~~tract~~ extract information regarding the case.

•> Level of Planning

In interview technique, generally there is no or moderate need of planning.

•> Approach of Interview

Interview is usually open ended and scatter shot approach is used in it to get useful information.

•> Input in Interview

In interview, more input is given by interviewee and investigator rarely interrupts the interview.

INTERROGATION'S USE IN THE INVESTIGATION

•> Purpose of Interrogation

Interrogation is used in criminal investigations to test the validity of information.

•> Level of Planning

In interrogation technique, there is a need of extensive and high level of planning.

•> Approach of Interrogation

Interrogation is usually close ended and pinpoint approach is used in it to testify the information.

•> Input in Interrogation

In interrogation, more input is given by the investigator and the individual who is being interrogated is made to respond with many interruptions.

MODEL OF INVESTIGATION

PEACE Model is extensively used in investigation. Interrogation encompasses all elements of this model whereas interview includes only "EAC" elements.

- 1) Planning and Preparation (P)
- 2) Engagement and Explanation (E)
- 3) Account Clarification and Challenge (A)
- 4) Closure (C)
- 5) Evaluation (E)

ETHICAL PRACTICES IN INVESTIGATION

•> Consideration of Physical and Mental State

The ~~interview~~ investigator should consider the physical and mental condition of the individual under investigation while questioning.

➤ No Use of Physical Torture

The investigator should not use or threaten the use of physical torture to extract or test the validity of information.

➤ Respecting Individual's Privacy and Identity

The investigator should respect the individual's privacy and conceal personal information if it is not relevant to the case, especially at interview stage.

CONCLUSION

The interview is used to extract information, while interrogation is used to test validity of information. The investigator during investigations should consider individual's health, and privacy as ethical practices.

QUESTION # 08

NAB : CHALLENGES AND REFORMS

INTRODUCTION

National Accountability Bureau (NAB) is tasked with curbing corruption and prepare intelligence assessments against economic terrorism. However, NAB faces severe challenges in prosecuting high-profile corruption cases. These include political pressure, weak judicial system, legacy of political victimization and institutionalized corruption. NAB should ensure team work, accountability with professionalism, make oversight board and reduce institutionalized corruption to increase its effectiveness.

CHALLENGES FACED BY NAB IN HIGH-PROFILE CORRUPTION CASES

➤ Political Influence

As critical criminology contends elite collude to save each other's criminal acts. NAB faces severe political pressure in prosecuting high-profile corruption cases. The politicians-businessmen nexus act to prevent prosecution.

➤ Weak Prosecution and Judicial System

The prosecution team of NAB and the judicial system is weak which lead to acquittals and bails, thus undermining the prosecution in high-profile corruption cases.

➤ Legacy of Political Victimization

Unfortunately, NAB has been used previously for political victimisation of dissidents. Hence, this legacy always puts into question the credibility of new corruption cases.

➤ Institutionalized Corruption in NAB

Corruption within NAB also hinders effective prosecution of high-profile corruption cases. Moreover, the processes such as Plea Bargain reduce effectiveness of cases. Justice Jawad S. Khuraja declared it as 'institutionalized corruption'.

REFORMS IN NAB

- > Ensure Team Work rather than Individuals

NAB should curtail the power of individuals and rather it should promote team work to avoid political pressure and prevent politically-motivated cases at the same time.

- > Empower Oversight Board

NAB should make and empower an oversight board to review and evaluate the performance and effectiveness of the institutions.

Limit Institutionalized Corruption

NAB should limit institutionalized corruption by retrenching corrupt staff and making recommendations to Parliament to make legislative reforms to increase NAB's efficiency.

CONCLUSION

NAB faces many challenges, encompassing political, legal, and institutional domain that hinder prosecution in high-profile cases. It should curtail individuals' powers, empower oversight board, and limit institutionalized corruption to increase its effectiveness.

QUESTION # 05

RETRIBUTIVE AND REHABILITATIVE JUSTICE

INTRODUCTION

Retributive justice and rehabilitative justice are two forms of justice, each having certain pros. and cons. and ~~violence~~ addressing root causes of crime. However, in the context of Pakistan, retributive justice is more suitable for it will increase people's trust and confidence in the justice system addressing the root cause of crime.

ROLE OF RETRIBUTIVE JUSTICE

Retributive justice calls for "an

: 5

eye for eye" approach. It is
prostate in addressing "crime"
root cause i.e., more incentive
for crime. Retributive justice rejects
the idea that one can evade
legal backlash after committing
crime.

ROLE OF REHABILITATIVE JUSTICE

Rehabilitative justice calls for the
training of criminals through
different methods to conform
their behaviour with the laws.
This form addresses the root
cause of crime particularly
when it is caused due to
individual factors including the
psychological and mental impacts.

SUITABILITY FOR PAKISTAN

Retributive justice is more suitable for Pakistan since rule of law and justice system is already weak here. It would make people accountable and set an example for others. Moreover, it would increase people's confidence in the system that would reduce crimes caused by feelings of revenge.

CONCLUSION

Although, retributive and rehabilitative justice both have certain pros and cons, retributive justice is more suitable for Pakistan to address root causes of crimes.