

CRIMINOLOGICAL PERSPECTIVE ON VIOLENT CRIMINALITY

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Abstract: *The problem of violent criminality has always attracted attention of various stakeholders. As an extremely negative social phenomenon and a criminal phenomenon, violent criminality is distinctive because of the social peril it poses, but also because of the way it manifests its predominantly violent character. On the other hand, in spite of the very dangerous consequences, this form of crime still remains professionally and scientifically insufficiently explored. Therefore, in addition to attention received from state bodies and exclusively repressive approach to this problem, a criminological approach is also very important nowadays; it considers the issue of violent criminality in more detail and provides foundation for better understanding and finding most the efficient ways of prevention. By providing answers to questions what violent criminality is and why people are so interested in it, this paper emphasizes a criminological perspective on violent criminality. After highlighting the meaning of expressions such as 'aggression' and 'violence' and a brief overview of the factors thereto, the paper classifies such deeds and underscores those aspects of such deeds that criminology deals with—primarily the existing criminological approaches and aspects of observing violent criminality. Final considerations indicate that we are still far away from having sound knowledge of basic problems in violent deeds but also from a desired comprehensive approach to confronting violent criminality which would imply that competent state bodies appreciate the importance of criminological research.*

Keywords: *criminality; violence; crime; criminology; research*

1. INTRODUCTION

Globalization process, as an omnipresent process, has given rise to numerous social changes, fundamentally modifying both human society and consequently every single indi-

vidual, a member of that society. These changes are followed and accompanied by numerous negative social phenomena manifested as consequences of the society's incapacity to absorb negative effects of the said globalization changes and modern civilization heritage.

One of those negative social phenomena, but at the same time one of the modern civilization attainments, is the negative and socially unacceptable conduct of individuals which is most frequently met with moral or even more severe, social or legal reaction or condemnation. The society and the state label these negative and unacceptable deeds, in legal and criminological terms, by setting forth, defining and sanctioning punishable deeds; such deeds, depending on the gravity and characteristics, are classified into minor offences, criminal offences and economic offenses. However, most severe and unacceptable offences, due to their specificity and characteristics, surely deserve most attention of both the state & the society as well as numerous theoretical academics and scientists who, from the very past until nowadays, tend to discover methods to eliminate such conduct, to reduce its numbers and frequency and to mitigate the effects thereof concurrently targeting the perpetrators in order to prevent them from perpetrating such deeds in the future.

Amongst the said socially unacceptable conducts surrounding us from the very beginning of the civilization, criminality, being the aggregate of all socially unacceptable conducts (crimes, primarily) in specific time and space, holds a special position. Being an extremely negative social phenomenon, criminality is characterized by conducts that most severely affect basic values upon which the human community is founded. And therein, criminality involving elements of violence attracts special attention. Because of its manifestations and gravity of consequences, violent crime is a topic of interest not only for the state and the society, but also for criminology as an independent science which uses findings and research procedures from the sciences of the man and the society to empirically study the criminal phenomenon, i.e. the crime, its perpetrator and the victim, the criminality and society's reaction to criminal conduct (Ignjatović, 2007:31).

As such, criminology offers a special perspective into violent criminality – it analyzes violent criminality and provides answers to questions what criminal violence is and how it is manifested, why people are so interested in criminal violence. How are acts of violent criminality manifested and classified? This paper raises these specific questions of criminological importance, conveying the essence of the criminological perspective onto the violent criminality; however, at the same time, the paper focuses on the reasons that contribute to great interest of the public for acts of violent criminality, due to the fact that such offences threaten the most valuable assets of any individual and potentially of every one of us.

2. CRIMINOLOGICAL PERSPECTIVE ON VIOLENCE AND AGGRESSIVENESS

Violence, being a negative social phenomenon and manifestation of myriad negative factors, is a general occurrence in the modern world characterized by cruelty and absence of any type of emotions in any individual when acting, treating and interacting with others. Being such a phenomenon, violence is developing along those negative lines that show a growing tendency instead of decreasing and this is very frustrating. During the last decades, a sharp increase in all types of violence was recorded, while the very causes to this phenomenon are sought in both the very human nature and social conditions people live in. Industrialization and urbanization processes have surely brought about many pathological

phenomena in various forms, and this certainly contributed to the alienation of the man from the nature and his embrace of modern civilization heritage where he loses freedom and becomes burdened with his own existence.

„Violence is a human activity, and force is the means to it, violence is not a simple abuse of power, but the operation of power, a form of human activity which directly or indirectly abuses force. Violence is an activity which starts, performs or halts, or maintains or accelerates an act, activity, action or process; or creates, transforms or destroys a form and essence contrary to the willingness and intention to pursue an interest and to satisfy needs of the object of violence if it is comprehensive and contrary to its internal structure or laws, in case of others than human” (Simeunović, 1989:21).

The literature usually links the terms ‘violence’, ‘violent conduct’ and ‘violent criminality’ to aggressiveness and therefore it is understood as expression of aggressive (Latin: *agresio* – attack) conduct. In criminal acts, aggressiveness is understood in its most basic biological sense and it implies interaction between a living being and its surroundings. Similar line of thought is expressed in some criminological papers (Pakes and Pakes, 2009:56), these papers offer a simpler but more specific definition which specifies aggression as ‘conduct aimed at deliberately hurting someone’. Hollin and Howells define aggression as deliberate endangerment or taking advantage over others, which does not necessarily lead to physical injury, while violence implies abuse of physical force against another human being, sometime caused by aggressive motives (Hollin, Howells, 1989:3).

Please, note that, even though there is a certain connection, the terms ‘agresion’ and ‘violence’ are not congruent; thus, some authors consider violence to be an essential human characteristic which brings destruction into interpersonal relations (it happens in social context), while aggression is something we have in common with animals (Zulueta, 1993). Other authors, such as Perelberg, indicate that the difference lies in the following: aggression in humans is based on biology – as a response to endangerment, while violence represents bodily actualization of aggression aimed at removing a peril (Perelberg, 1999:37).

Still, others define violence as „behavior marked by the intention to hurt an individual physically or mentally (but not socially) or to destroy an object”. It is important to observe that not all aggressive conduct is criminalized (Bartol, 2005:241). For these authors, violence is „a destructive physical aggression released with the intention to hurt another person or to damage an object’. It may be methodical or unsystematic, permanent or transient, dosed or uncontrolled. Thus, as these authors believe, any violent conduct is a form of aggression, but not all aggressive conduct is violent (Ignjatović, 2011).

In all this, criminology, as the science of crime, has always devoted special and very extensive attention to violent conduct and violence in general, which appears as a consequence of the ongoing civilization processes with increasing frequency and which is concurrent with many criminal offences. Nowadays, one may rightfully assert that, amongst many manifestations of criminal conduct in the modern world, it is simply difficult to find a single one which sparks off such a strong reaction with local population anywhere in the world as is the case with violent crimes. Unlike some other types of criminality (such as property crime) which often fails to feature the condemnation of the act and the perpetrator, violent acts are met with sharp reaction and undisputed rejection. Even though many authors, such as Denis Szabo (Szabo, 2010:14) highlight that such deeds of violent criminality account for less than 5-10% of the overall criminality, such arguments simply do not reach the population who are easily held hostage by those who derive benefit from such a situation.

Violence, as highlighted by Steve Goodman (Goodman, 1997), could be observed from the perspectives of theology, anthropology, philosophy, sociology, psychology, ethology, psychiatry, medical perspective, legal perspective, international relations perspective, historical perspective. Bearing in mind the subject and the goal of this paper, criminological approach to the issues of violence, and of course, violent criminality will prevail hereinafter, giving an explanation of criminological view on the problem.

3. TERM, TYPES AND TENDENCIES OF VIOLENT CRIMINALITY

Within many manifestations and forms of criminal conduct, it is almost impossible to find forms which can create such a strong reaction with any of us, any single individual, as is the case with violent criminality and committing criminal acts which necessarily implies violence as a characteristic that is *modus operandi* of the execution. If violent criminality is compared with other types of criminality to which we react in a certain, negative way, violent actions provoke a strong reaction, disgust, shock and unreserved judgment. This is known to everyone, from formal social control authorities, to the media and creators of mass culture products. In all of that, the media contribute the above mentioned negative feelings; in the media, every crime is represented in an even more extreme way in order to attract attention and increase publicity stating in detail every factor and every detail of the crime committed and its consequences. Criminological literature most often defines violent criminality as a criminality which involves criminal offences with elements of violence, i.e. criminal offences which use an attack on the victim or threaten with an attack in order to achieve a certain goal. This is just one of many definitions which essentially all come to include all violent conducts which result in damaging the victim; physical force is abused to inflict physical or mental pain to a smaller or larger degree upon the victim, which may lead to the destruction of the victim. In criminal offences where violent conduct is inherent, the violent essence comes from constructing the criminal offence body in which force or serious threat, insult or abuse and strife or rude and careless conduct constitute a distinctive trait of that criminal offence. (Ignjatović, 2011: 180)

Violent criminality, as a special manifestation form of criminality, leaves severe consequences on victims of criminal offences; at the same time, as most frequently committed offence, it has always left considerable and grave consequences onto both the society and the general feeling of threat to civil safety. Social danger coming from violent criminality, this negative social phenomenon which emerges through different forms, is immense. Therefore, guided by the traits of these criminal offences, one comes to a conclusion that felonies of very different nature and intensity encompass the sphere of 'violent conduct' term: from a real insult to murder, from abuse to serious acts of terror. The most common and typical legal tags for violent conduct are: violence, force, threat and abuse. (Marković, 2007: 204)

When speaking about violent crime, it is very important to denote the difference between certain deeds of this type of criminality. Aside from similarities in the act of violence, criminal offences which have the attribute of violent deeds differ in the manner and purpose in the core of the violent deed; consequently, the literature offers certain classification of such criminal acts. The basic classification is the following: criminal acts of traditional violent criminality and criminal acts within the new forms of violent criminality. The first group of acts of violent character includes criminal offences of murder and severe injuries, stalking, rape, robbery, aggravated robbery etc. On the other hand, criminologists classify for example family violence into newer forms.

Besides this classification of violent criminality, in the literature there is also a division into criminal offences of violence and criminal offences within which violence is used as a method, means in committing another criminal offence. Therefore, it can be clearly concluded that when one says violent crime, one implies those criminal offences which are characterized by brutal and aggressive behavior of its perpetrators, wherein the very violence is of the dominant character, no matter whether it represents a part of the very act of committing criminal offence or it represents another crucial element in the actual criminal offence.

In the chapters of the criminal law, criminal offences of violent criminality are, *inter alia*, categorized into groups of criminal offences against life and body (ex. body, manslaughter, murder upon childbirth, illegal abortion, major and minor body trauma, engagement in a fight, jeopardizing with a dangerous weapon during fight or argument, exposing to danger (Official Gazette of RS, no. 85/05, 88/05, 107/05, 72/09 and 111/09), against property (robbery, aggravated robbery, usury, extortion, blackmail, etc.), against human and civil freedoms and rights (breach of equality, breach of the freedom to express one's national or ethnic belonging, illegal taking into custody, abduction, breach of the right of movement and settling, compulsion, abuse and torture, threat to personal safety, right to housing, preventing public assembly and others), against sexual integrity (rape, sexual abuse over an unable person, over a child, sexual abuse using official position, unsolicited sexual actions and others) against marriage and family (primary criminal offence of family violence), against public order and peace (causing panic and riots and violent conduct), against general security of persons and property etc.

When presenting the criminological view on violent criminality, it is surely useful to look at the available statistical data on violent criminality in the Republic of Serbia. The table given below shows data on the number of persons convicted for violent criminality during the last 5 years on the territory of the Republic of Serbia. The overview is given according to criminal act which include and encompass criminal acts of violent criminality.

Table 1. Number of persons convicted for violent crimes during the last 5 years according to groups of criminal offences (SORS, 2013)

Criminal Offences	2009		2010		2011		2012		2012	
	no.	%								
Against life and body	3410	8.3	1679	7.7	2320	7.5	2321	7.4	2397	7.4
Against human & civil freedoms and rights	488	1.2	258	1.2	486	1.6	653	2.1	783	2.4
Against sexual integrity	238	0.6	164	0.8	190	0.6	244	0.8	236	0.7
Against marriage and family	3251	8.0	1835	8.5	2891	9.4	2771	8.8	3102	9.6
Against general safety of persons and property	446	1.1	166	0.8	254	0.8	264	0.8	242	0.8
Against public order and peace	1832	4.5	1054	4.9	1709	5.5	1946	6.2	1814	5.6

If the given statistical data are analyzed, one can easily notice that within the structure of criminal offences of violent criminality the largest number of occurrences accounts for those criminal offences that belong to the group of criminal offences against life and body, against marriage and family and criminal offences against public order and peace. Unfortunately, what is noticeable is the tendency of stagnation or even increase in committing criminal offences from these groups. From year into year the same or even higher number of criminal offences with elements of violence is committed. What is very concerning is the fact that the structure of offenders of the mentioned criminal offences shows an increasing

number of youngest offenders. Statistics and official data show that juvenile crime in Serbia today is mostly of the violent type, ever since 1990s, after major social, economic and political changes. The data shows that almost 60% of juveniles were legally punished for committing criminal offences with elements of violence. Violent conduct is the key characteristic of the juvenile crime in Serbia, the context of which requires explanation. Especially because violent criminality is more present in the legally punished juvenile population (around 10%) than in the total criminality in Serbia, with around 6.1% of legal age having been sanctioned for violent criminality to whom the court had pronounced a final verdict in a criminal case (Ilić 2002).

Thus, the previously presented data impel the state, society and all other stakeholders and institutions of importance to stop this negative tendency and to decrease the share of violent crime compared to the total 'mass' of committed criminal offences, especially in the youngest population of perpetrators, because the consequences of their share in the mentioned criminal offences with elements of violence are definitely very dangerous and devastating. Besides state officials, criminologists are also involved in this process. The goal and direction of criminological research is not oriented only towards pure repression and stopping these negative tendencies with ultimately repressive and post-delinquent means and methods. Criminology, on the other hand, tends to go deeper into the problem, to get into the essence and find more far-reaching methods and ways of fighting, applying its techniques, methods and knowledge. The first step is naturally to get into the essence, the root of the problem, seeking for the cause of such conduct, looking for roots of violent criminality.

4. CRIMINOLOGICAL APPROACH TO VIOLENT CRIMINALITY

A review of the criminological perspective on violent criminality starts, first of all, with the question - how criminologists understand violence, what is implied by violence and how it is defined and differs compared to aggressiveness or other pathological states. By giving answers to these questions, one starts from the basic characteristics of that conduct which can denote "any form of individual conduct which deliberately threatens or causes physical, sexual or psychological injury to others or oneself". (Stanko, 2001). On the other hand, it is about an attack which is directed onto the personality or actions directed against someone's property where force or threat is not made towards the person. Hereby, the term 'threat' implies the attacker's distantly shown intent to use force. (Williams, 1991: 154).

Apart from defining violent conduct or violence as basic terms and key factors of violent criminality, one of the main questions which criminologists raise when analyzing violent criminality and its essence is the question of the root of the violence i.e. what the cause of that violence which leads to criminality with elements of violence is. For that purpose several, criminological theories have been developed and each gives its interpretation of the cause of violent criminality from its own point of view. The first of the theories or approaches is the biological and psychological approach which is characterized by the tendency to link the man to the factors such as brain structure, genetic modifications, low intelligence etc. Numerous researches based on this principle have come to the conclusion that violence, as a basic element of crime being committed, is typical of perpetrators who were in the early period of their growth and development frustrated and victimized through violence committed by their parents and this served them as a behavior model. (Lewis, 1985). Other researchers have, on the other hand, refuted this approach concluding that the mentioned

factors cannot i.e. do not have to be necessarily the cause of violent criminality, but the mentioned physical and mental traits may predispose some people to start acting violently to some stimuli and to commit criminal offences. (Ignjatović, 2007: 145)

The next criminological approach is the so called instinctivist approach which is based on the research by Sigmund Freud (S. Freud) that the man's violent conduct, and even aggressive conduct leading to violent criminality, is driven by impulses, such as sexual drive or death impulse. The essence of this approach is based on a belief that the man possesses the same aggressive instincts as animals do, but that he differs from them by not possessing the breaks which would stop lethal violence towards the members of his own species, unlike animals who use violence only to the degree needed to enable them to survive. (Ignjatović, 2007: 145)

Subcultural approach indicates the major importance and role of social factors of human aggressiveness. This is supported by results of some research which show that violent criminality occurs more often within certain circles, in certain climates and occasions (for example, blood feud). Criminologists explain this specificity with factors of continuous community member's socialisation to practise socialisation and to gradually change and adapt to new life conditions. This approach is almost always connected with the social approach which occurs in several varieties - as social structure theories (explaining aggression as an effort to escape misery and poverty); social progress theory (claiming that socialization through contacts with institutions and individual social organizations leads to violence); neutralization theory (showing how one justifies one's own aggressive conduct); social control theory (demonstrating how direct (through punishment) and indirect (through social affiliation - association) control prevents violence); labeling theory (explains violent conduct through mechanisms of primary and secondary deviation) (Semple, Smyth 2010: 620)

Learning theories divert the attention to the processes of rewarding / amplifying as important factors of aggressive conduct in situations when one tends to accomplish a set of goals (fulfillment of material wealth or avoiding stimuli that cause disgust). A hypothesis occurs here about the connection between frustration and aggression according to which the former leads to the latter depending on the value of the desired goal and level of frustration. Punishment may inhibit aggression, but it may also amplify it.

Cognitive theories point out the influence of distorted discoveries about victims on the increase of aggression. On the other hand, moral evaluation of one's actions may lead to decrease of aggression. (Ignjatović, 2011)

The above mentioned approaches, defined and considered in the form of theories, are only a portion of the available and demonstrated criminological models and views on the cause of violence and violent criminality. Still, this analysis must be considered in a wider social and socially-cultural context because as such an approach based on criminological research and theories is key to understanding the phenomenon and ethiology of violent criminality.

5. CONCLUSION

Violence in a society, especially its extreme form of violent criminality, nowadays is a very serious problem in most countries, especially in countries, which like the Republic

of Serbia, have recently entered the transition process and have just established fragile democracy. When it comes to the study of violence as a phenomenon, one first starts from the ethiological dimension – i.e. the causes and conditions, among which criminological, social, economic and other reasons prevail. Phenomenological dimension of violence indicates that today there are new forms of criminality with the elements of violence, out of which the biggest number causes grave consequences and high disturbance of the public. The victimological aspect underscores the victim and its relationship to the offence, and even more the relationship the society has with the victim and especially the related community's support to the victim. The social response to violence starts from the concept of 'Safe Community' which every state is trying to build, especially when it comes to articulating the right to have freedom of public gatherings and exercising thereof in public places. (Kultura polisa, 2012). All the above, if considered all together, gives a comprehensive criminological perspective on violence and violent criminality. This aspect of considering the mentioned problem represents a complete approach which views the problem not only in etiological and phenomenological terms, but also statistical, forecasting and victimological terms and it tries to merge the experience, data and knowledge gained from several points of view and give its own opinion about the problem.

Exactly such complete criminological approach is important in solving this problem because the reaction of authorities is organized and based on law enforcement and compliance, courts, public prosecution, departments for offences and police and it is not sufficient and cannot solve the problem on its own. Even though the mentioned entities are the most competent to stamp out violence, criminality and other social-pathological phenomena, violent criminality calls for engagement of a larger number of subjects and a different approach to be based on scientific research and criminological study results. Considering the problem of violent criminality from the criminological aspect offers a more complete representation of both the root and emergence of violence and violent criminality as well as of the important factors which can be relevant for a more efficient confrontation with it.

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