



Critical Analysis of Causation of Crime in the light of Cyber Crime in 21st Century

¹Dr. Annu Bahl, Assistant Professor, Noida International University

²Ms. Rajshree Singh, LLM researcher, Noida International University

“Moving bits is cheaper than moving atoms”- Nicholas Negroponte

Abstract : There are two kind of analysis in relation to causation of crime i.e. causation of crime under Biological theories and causation of crime under sociological theories. These theories have been criticized in light of one of the easiest crime committed that is cybercrime in this modern world with use of advanced technologies, it is very difficult to detect crime committed by cyber criminals. These different approaches of various theorists were rejected in light of cybercrime. Different approaches under biological theory do not meet the expectation as defined by Lambroso under biological traits found under criminals. So this approach of biological theory been criticized in relation to cybercrime. Even under sociological approach of Sutherland who described the causation of crime is due to societal pressure was also rejected in light of cybercrime.

In this article, Researcher will describe causation of crime in relation to cyber crime in this modern era. In this research, data has been taken from various theories propounded by various philosophers describing as to what causes crime. Different approaches of theorists who described the causation of crime due to certain factors which causes criminality.

Keywords: : Cyber Crime in 21st century, Causation of crime, analysis, criticism, sociological theory, biological theory.

Introduction:

Crime has been a baffling problem ever since the dawn of human civilization and man's effort to grapple with the same has only yet partially succeeded. There is no society which has not been beseted with the problem of Crime and Criminality.

Criminologists have always differed in their views regarding crime causation, they believe that criminals differ from non-criminals in certain traits of their personality which develops unusual tendencies in them to commit crimes under situations in which others do not.

The Causation of crime develops a tendency in criminals to commit a crime. In relation to cyber crime which is one of the easiest and fast mode of crime committed through computers. Cyber Crime targets young generation, which basically falls in age group between 18-35 years. These Criminals commit crime because of lust for money, prosperity etc. They generally use technology to commit Cyber Crime.

In this Article, Researcher will discuss what causes crime in relation to cybercrime in this era that is the 21st century.

Factors responsible for Causation of crime and its criticism:

Factors responsible for causation of crime are divided under two heads:

1. Causation of crime under Biological theory.
2. Causation of crime under Sociological theory.

1. Causation of crime under Biological theories:

A. HEREDITY AND CRIME¹:

Lombrosian anthropologists through their biological and anthropological researches succeeded in establishing a correlation between heredity of the Criminal and his criminogenic tendencies.

Lombroso developed the theory about “born criminals”. In 3000 anthropometric measurements he found some biological traits of Criminal.

- Unusual size or shape of head
- Strange eyes
- Facial asymmetry

ISSN : 2348-5612 © URR



¹ .Pranajpe. NV, “Criminology& Penology with victimology”,15th ed, P.52



- Extended jaw and jaw bone
- Too big or too small ears
- Full lips leaned forward
- Abnormal teeth
- Wrinkled skin
- Nose curled up, thieves have flat nose and murderers have a beak nose.
- Too long, too small or flat chin
- Dark skin
- Too long arms

According to Lombroso, persons who have five or more biological traits are born criminals. Beside physical traits Lombroso introduces some other traits of born criminal:

- Hypersensitivity to pain or touch
- Use of special criminal slang
- Grotesque expression of thoughts.
- Tattoos
- Unemployment

Lombroso later changes the theory of born criminals and develop a new theory. Classification of criminals is made into three categories:

- Born criminals(30% of all criminals)
- Abnormal criminals (idiots, imbeciles, paranoids, melancholic, paralytics, epileptics, demented persons, alcoholics and hysterics)
- Occasional criminals (criminaloids, pseudo criminals, criminals out of habit)

Criticism of Lombroso Theory:

A strong criticism of Lombroso's theory was that it encouraged stereotyping. This in turn would encourage prejudice and discrimination. For eg. If children are shown a picture of man with a tattoo, they will indicate a negative attribution towards the picture rather than to a picture of man without a tattoo. Thus, the problem with stereotyping is that there is no strong evidence to prove it and research methods used were defective.

Under methodological ground:

- A proper control group was not used
- The criminal samples contained mostly mentally disturbed people.

How it relates to Cyber Crime?

It is important to understand the psychological mindset of the individuals so we may integrate key insights about human behaviour along with technical solutions to develop superior mitigation techniques. The theory of heredity and crime fails to relate with cyber crime. As cyber crime is committed by group of professionals which cannot distinguish with their heredity traits. Cyber criminals cannot be identified by heredity or we cannot say that they are born criminals.

B. Mental disorder and Criminality²:

The term 'mental disorder' is also referred to as mental abnormality. It denotes that the mind is in state of confusion or is suffering from some disease. Studies have shown that there is no evidence to prove that the crimes committed by criminals were induced by their mental disorder.

On statistics showed that quite large numbers of criminals were persistent offenders and more than 66 percent of them had a past criminal record and 44 percent of them had previously been in prison undergoing sentence.

Criticism in relation to cybercrime:

Firstly the word mental disorder cannot prove the cyber-crimes were committed by cybercriminals who were induced by mental disorder because cyber-crimes are committed by highly engaged professionals and they have knowledge to commit cyber-attacks. For example a hacker has vast knowledge and skill for hacking computer sites through mode of advance technology. Thus this contradicts the theory when relates to mental depravity. So this theory fails in case of cyber-crimes.

C. Financial status and Crimes:

Financial status like poor induces to commit Crime. For lust of money people commits crime in large masses. Financial crimes are most closely connected to cyber crimes. Financial crimes are often committed via Internet and have major impact on international banking and financial sectors.

Criticism:

² Pranajpe. NV, "Criminology & Penology with Victimology", 15th ed, P.54



It has been criticised that not only financial status can decide the crime committed by the criminals. Many numbers of cases fails while deciding the case on evidence of financial status. Though it can be said that it leads to many number of crimes due to poor financial status for greed of bread etc. But it cannot be a sole evidence on deciding that financial status will lead to criminality.

Financial status in light of cyber crime:

Cyber crime is closely connected to financial crimes which is committed by internets and have major impact on international banking and financial sectors. Various cyber attacks are committed on for financial gains. It is increasing in rate in relation to financial crime.

D. Insanity and crimes³:

Under Indian Penal Code, Insanity has been accepted as a defence to charge of crime. Section 84 of IPC extends immunity from criminal liability to a person who by reason of unsoundness of mind is unable to know the nature of the Actor is unable to know what he is doing is “either wrong or contrary to law”.

Criticism in relation to cybercrime:

Under Insanity, the Crime relating to cybercrime fails because cybercrime is committed by highly intellectual persons. It thus does not falls under category of insanity. Defence of insanity fails in relation to cybercrime. For example, a person who does not possess the capability of what he has done right or wrong or that person who cannot appreciate the nature of act is whether right or wrong cannot be cyber criminal. A cybercriminal in hacking or internet theft requires the skill to do such act. Many plead this defence, in case of acquittal by misusing the law. Cybercrime does not relate to insanity and does not create criminals on ground of insanity.

E. Biophysical factors and criminality:

Biological differences in human personality also account for criminality in human beings. The logic behind biological explanation of crime is that structure determines function and persons behave differently owing to the fact that they are somehow structurally different. The physical and biological abnormalities are generally responsible for criminal behaviour. In other words criminal is viewed as a biological organism characteristically different, abnormal, defective and inferior both biologically and physiologically.

An American criminologist Dr. Cadwell showed keen interest in phrenology and published his “Elements of Phrenology” in 1824. The doctrine underlined three basic propositions:-

- The exterior of the skull conforms to the inferior and to the shape of the brain
- The mind consists of facilities.
- These faculties are related to the brain and skull.

Criticism in relation to cybercrime:

It has been criticised as it does not necessarily be a criminality in relation to cyber crime. The biological factors alone cannot contribute a mere evidence to prove criminality. In cyber crime, many factors induces in criminality of cyber attack. Mere biological factors cannot induce cyber crime. For example, A has committed hacking of Bs site for taking out information which would make them gain profit. So it does not relate of what personality the person is who has committed cybercrime. It relates to offence committed through high knowlege of taking out information. Thus this theory also fails in light of Cyber crime.

F. Education and crime:

Education leads to knowledge and skills. Lack of education can also lead to crime. Most people argued that education can be an important element in preventing individuals from engaging in criminal behaviour.

Most empirical studies shows that adolescents who are involved in paid employment or attend K-12 education are less likely to engage in Criminal Behaviour. This suggests that a reduction in criminal behaviour contributes largely to a social rate of return for the monies spent on education in the United States.

Criticism of Education in light of Cyber-crime:

Un-education leads to criminality. Cybercrime are basically committed by highly qualified professionals. So here also the factor of education which leads to criminality fails in light of cybercrime. Cybercrime is mostly done by various hackers who have knowledge in computers and technologies. For example, a child is uneducated. He does not even know what hacking or cyber theft is. Then know he can commit cyber crime. Knowledge and skill is required in such area to commit cyber crime.

G. Psychological concept of Crime⁴:

Psychology includes within it the study of mind and behaviour attitudes etc. It is the study of individual characteristics such as personality, reasoning, thought perceptions, intelligence, imagination, memory creativity and so on.

³Pranajpe. NV, “Criminology & Penology with Victimology”, 15th ed, P.56

⁴Pranajpe. NV, “Criminology & Penology with Victimology”, 15th ed, P.62



Psychologists treat crime as a behaviour learnt by the criminal in course of his contact with different persons. Like sociologists, they seek to explain crime in terms of environmental circumstances.

As stated earlier, Lombroso attributed criminality to atavism which meant that criminals have savagery ancestral history and criminality in them is hereditary. Sutherland observed that the resemblance between father and son as regards criminality is not due to contagion but it is because of peculiar human psychology of learning things, observation and association that makes them follow criminal behaviour if placed in circumstances which are conducive to crime.

Criticism of psychologist's concept of crime in relation to Cyber Crime:

In Sutherland theory is that criminal tendencies are learned in interaction with other deviant person. It is through interaction with others that one engage in illegal acts. This theory could explain why normal law abiding individuals can turn into Criminals or deviants depending on the circumstances that they may be put into. Thus theory relates to cyber crime where group of members accept norms and values for online behaviour of close relation.

On other hand, it cannot wholly rely on the psychological concept in relation to cyber crime. Though societal norms could contradict their norms would arise the cause of criminality.

Thus this concept also fails in light of Cyber Crime.

2. Causation of crime under Sociological Theories:

A. Social Control Theory and Cyber Crime⁵:

Social control refers to the effort of a group or society to regulate the behaviour of members in society in conformity with the established norms. As a result, there are sanctions or externally imposed constraints. Some of these are informal sanctions and unofficial pressures to conform. When informal sanctions are not enough, formal sanctions come into play. These are officially imposed pressures to conform such as fines or imprisonment. Through socialization and internationalization of cultural norms and values, most people lean to socially accepted means even without external sanctions. However, very little crime is committed by children because they are constantly under adult supervision. Young and adolescents are relatively free from adult control, experience less social control and of these who exhibit an underlying tendency to pursue short term pleasure often engage in cyber crimes.

B. Rational choice theory and cyber crime:

Cornish argue in his Rational Choice Theory that an individual decision to commit a crime is based on cost benefits proportion. "Rationality" means that an individual balances cost and benefit to arrive at action that maximizes personal benefits. Cyber stalkers commit a crime after weighing the prospective rewards against the potential risk. Stalking via internet allows the offender to do it relatively remote distance. The offence inflicts the same type of fear and harassment as in the case of victims who are in direct face to face situation with cyber stalkers.

This theory assumes that people act in a manner that is rational. It assumes that many cyber criminals are very talented and well educated, not necessarily in formal manner but they have an ability to think rationally. They attack the victims whom they believe would give them the greatest amount of financial gain with least chance of getting caught.

C. Social learning theory and cyber crime⁶:

Theory is Bandura⁷ who asserts that most human behaviour is learned observationally and this information serves as a guide for action in future. Through the process of socialization an individual learns the norms of society. For example, an act of hacking is learnt in group of interactions. Most of the cyber crimes are learnt as they involve the use of technology.

D. Differential association and cyber crime⁸:

This theory is most widely accepted theory in criminology. It was first proposed by Sutherland. The basic idea behind this theory is that criminal tendencies are learned in interaction with other deviant persons. This theory considers social environment as a means to explain why some individual engage in criminal behaviour. The main premise of this theory is that criminal behaviour is learnt through social interactions. Thus this develops the tendency among peer group to commit the easiest crime known as cybercrime.

E. Space transition theory and cyber crime⁹:

⁵ Cyber Crime : A Conceptual and Theoretical framework, Chapter 1, Pg. 43

⁶ Cyber Crime : A Conceptual And Theoretical framework, Pg. 44

⁷ Bandura A. (1977), "Social Learning theory", Prentice Hall, Oxford England.

⁸ Sutherland, Edwin H. (1924), "Principles of Criminology", University of Chicago Press, Chicago.

⁹ Jaishankar, K (2007)," Establishing a Theory of Cyber Crime", Pg 7-9 International Journal of Cyber Criminology, Vol 1



This theory explains the behaviour of the persons who bring out their conforming and non conforming behaviour in the physical space and virtual space. Cyber stalking and cyber defamation are two instances where offenders use online space because of its anonymity and widespread approach.

People with repressed criminal behaviour have propensity to commit crime in cyber space which they would otherwise not commit crime in physical space, due to their status and position.

F. Network theory and cyber crime:

This theory focuses on a wide range of micro to macro structures. Links occur at the large scale, social structural level as well as at micro level. While sociologists talk about 'strong ties', network analyst talks about 'weak ties'. Social networking sites preserve culture of maintaining weak ties. Weak ties prevent isolation and allow individuals to better integrate through social networking sites.

Example, if there is a tie between A and B and B and C, there is likely to be a tie between A and C. this link between A and C is weak and therefore could lead to some form of crime in cyber space like identity theft etc.

CONCLUSION:

The changing character of the contemporary society is regarded as a result of alarming alterations in social environment. Introduction of new cultural traits into society bring new social changes. Present society is dominated by a complex culture of networking and informationalism. The Information Technology Revolution has brought many changes in the social structure. People rely on technology for many needs. However, it is noted that abuse of technology has given rise to a new variant of crime online i.e. cyber crime. Emergence of virtual society has associated risks with it. It is characterized by instant communication with anonymity, deception and disguise. Various Theoretical explanations provide an answer to an in-depth curiosity about use and abuse of technology and how it has given rise to cyber crime. The biological theorists relate emergence of crime to the development of science and technology. The sociological theorists, on the other hand discuss the effect of technology on contemporary society which they characterize as risk society, encouraging anomie, dehumanization and distancing. The post modern theorists see the world as 'hyper real' and 'virtual', full of simulations and technological intensities facilitating spatial interactions and providing anonymity to cyber crime.

Cyber crime has serious impact on society in the form of psychological disorder, social disorganization and economic losses. Even though all people suffer from its ill effects, the most vulnerable group is adolescent and youth. It is because of the fact that 75% of the online population in Indian society is under the age of 35 (Report by Comscore, 2013). Adolescence is a time of questioning and experimentation, as teenagers frame their own identities. Present adolescents and youth are techno savvy and use technology for various purposes. With more and more adolescent's use of social networking sites, it becomes imperative to find out how networks are used by cyber criminals to lure young people. It is also necessary to find out whether these adolescents are only the victims of cybercrime in relation to his nature of behaviour in committing such crime. Also these two theories have failed and been criticized on the basis behaviour of cyber criminals in light of crime causation in this modern era. However above two theories under different theorist perceived the nature of cyber criminals in committing crime. Both theories have been criticised under causation of crime in light of cybercrime.

References :

1. Pranajpe. NV, "Criminology & Penology with Victimology", 15th ed, P.56
2. Pranajpe. NV, "Criminology & Penology with Victimology", 15th ed, P.62
3. Cyber Crime : A Conceptual and Theoretical framework, Chapter 1, Pg. 43
4. Cyber Crime : A Conceptual And Theoretical framework, Pg. 44
5. Bandura A. (1977), "Social Learning theory", Prentice Hall, Oxford England.
6. Sutherland, Edwin H. (1924), "Principles of Criminology", University of Chicago Press, Chicago.
7. Jaishankar, K (2007), "Establishing a Theory of Cyber Crime", Pg 7-9 International Journal of Cyber Criminology, Vol 1