Habitual crime’s factors

Sarah Abbaszadeh*
MA in Criminal Law and Criminology, Islamic Azad University, Science and Research Branch of Tehran, Iran
*Corresponding Author Email: sarah_abbaszadeh@yahoo.com

Abstract

Habitual crime is an issue that has always been of interest to criminology studies. All these studies have pointed to the danger of the phenomenon to human communities because research has shown that a large number of many regular customers in the criminal justice system are offenders. Habitual offender includes those offenders who stably commit all kinds of crimes, no matter what offence they commit or what the criminal reactive maybe, but they commit crimes only for meeting their needs and may not even specialized in certain crimes. Human is the crime factor which internal, external and biological factors are affective in its completion. What has long been considered by legislators the mode of some offender who has not satisfied to committing a crime for one or two times and are liable to commit future crimes. These criminals have the highest risk for themselves and society therefore criminal justice system has imposed some rules and regulations which are punishment intensifying and security measures and training. In studying the causes of criminal behavior, crime-causing factors and their interaction should always be examined. Although, some factors may have more effect on crime than others but never a single factor, causes all criminal behaviors. In habitual crime internal, external and environmental factors all influence each other and are correlated together. The first and second factors are present in person himself and third-party factors exist in environments. The persons reaction to the environment in terms of quality and quantity has changed and may be combined in countless forms and provide fields of committing crime.

Keywords: crime, habitual crime, socialization, deviant behavior.
Introduction
Crime identification is the scientific study of crime and criminal to understand its causes and prevention and treatment of criminal acts and the perpetrators of these acts. Three factors crime, criminal and crime doing are in crime identification science that is known as crime identification elements. Sometimes the fusion of these phenomena destroys the main concepts of a research and makes some alternatives that is far from the truth because each of these three objects which form a large part of general criminology science composed of many different issues that deserve careful consideration. Therefore, each of the three phenomena have separate history and background that states its formation, development and expansion well. On the other hand the outcome of criminological research on these elements leads to affording tree penal systems that are mentioned below:

1- The criminal justice system which punishes or crime-oriented: in this Criminal justice system type legislation pays attention to crime and reaction to breaking the law.
2- Reforming and criminal-oriented criminal justice system: In this system, lawmakers are considering ways to reform the offender and bring him back to the community.
3- Restoration or victim-oriented criminal justice system: In this system, lawmakers in addition to paying attention to crime and criminal, the victim's injuries are also considered and it is seeking compensation for them.

In criminology every individual is studied in two ways:
1- By recognizing his characters in a specific time and place (such as time and place of committing the offense)
2- By recognizing his characters from past up to now and changing and transforming them at different times.

1-Psychological factors:
Criminology is the science of crime and victimization factors and adopting appropriate measures to prevent the occurrence of crime. Since the birth of the School of positivism that led to the emergence of Criminology to date different approaches have examined the crime factors to recognize according to their findings the main cause of crime and the fighting methods with committing crime. This section examines the psychological factors of committing crime:

1-1-Mental disease:
In general, human behavior stems from a series of individual and environmental factors, and also a criminal phenomenon is of human behavior that occurs as a result of the offence causing elements which are indvial and environmental; In other words crime creating elements which are some phenomena due to physical or mental or environmental state play an important role happening the crime. Crime creating elements can be classified into two personal and environmental factors. Environmental factors refers to a group of effective factors in happening crime that roots in the community such as unfavorable social-environmental circumstances, inability in correct training , inability in peoples correct control , these factors are discussed in criminal sociology and criminal geography (Danesh, 2000). On the other hand, crimes are divided into simple, complex and habitual crime. It should be said in defining the habitual crime that, if multiple actions committed in a way that the habitually of crime doer can be inferred of it will be a habitual crime. Habitual crime is subject to frequent occurrence of specific action, therefor commenting a crime only for one time do not make this crime and it should happen at least two times such as begging, setting up casinos, encouraging or providing corruption, occupying the selling of stolen properties , that must be repeated at least twice. On the other hand, precutting the habitual criminal is not
for committing the final crime but is precutting for committing the crime several times. Habitual criminals are someone who having some personality characteristics having committed a criminal act at least twice without emphasizing on recidivism of previous crime (Gholdouzian, 1999).

On the other hand the delinquency is a complex phenomenon that probably most people have engage with it more or less in some point of their time life. According to the majority of criminologists, delinquency may exist simultaneously in the form of concentrated or dispersed. Dispersed, because the more people have committed crime at least one time in their life time, but criminal justice system has been informed of that for the first time, or, conversely, this phenomenon may be concentrated among a number of people. It should be noted here that only a minority routinely commit crimes. Habitual offenders have a dangerous state which make them suspected committing other and following crimes. Rafael Garvfalv one of the major heads of positivism school and one of its founders entered the “dangerous state” to criminal science (Nourbaha, 2012).

Beside, a dangerous state is a state that makes the risk of committing crimes in the future, regardless of that state being a crime in itself, in other words, dangerous state is a probability in people to be able to commit an anti-social crime (Niazpour, 2008). Habitual crime cannot be realized once but a crime to be considered a habitual one must happen at least twice. Also in habitual crime, the criminal uses to commit crime and therefore different times commit crimes. The most famous classifying of these factors is the dual classification of internal and external factors or social or individual factors. Individual factors are divided into physical and mental factors. Individual factors include the factors which derive from the characteristics of offenders. These factors may have a nature and acquired aspects, the first category are biological and the second one is psychological factors (Savlany, 2013). Many Psychologists and Psychoanalysts explain the causes of criminal behavior in terms of criminals personality defeats (Keynia, 2013). In fact, before attributing to abnormal genes, they attribute them to Anomalous experiences of childhood that is due to unhealthy relationships between the individual and the social environment. Psychologists attribute delinquency to the person’s consistency or inconsistency with social norms.

Freud’s psychology school followers believed that psyche in general and personality in particular, have two aspects, the unconscious and the conscious.

1-2-Sexual Deviations:
In the early twentieth century Freud, the founder of psychoanalysis awakened Medical and scientific circles by offering his opinions about sexual phenomenon and its role in human behavior he said that there are some facts about sexual matters which they hitherto were unaware of it. Freud founded principles of his school on sexuality desires, following his studies he realized that even children as well as others have sexual desires while earlier everyone thought sexuality occur suddenly during puberty (Kiani & Ghodarzi, 2013). Freud believed that children over 5 or 6 years of their lives pass through several stages of growth that affect their personality, these steps include the oral, anal, instrument, genital, and latency. In his view specific problems in each of these periods will stop the growth (Ghanji, 2001). There is no comprehensive definition for Sexual Deviations and sociology, psychology and ethics scholars are not fully agreed with each other in this context. Sociologists understand any sexual pleasure that is not accepted by the society as diversion, in contrast Psychologists know any sexual desire satisfaction that it’s goal outside of reproducing as a deviation. Ethics scholars say that any kind of sexual desire satisfaction that follows with a sense of remorse is a Sexual Deviations. In other words, sexual deviation,
including any sexual behavior that is incompatible with the criteria more or less accepted by society and sexual deviant is someone whose sexual purpose is considered abnormal (Sekhavat, 1995).

Sexual Deviations from Psychiatrist point of view is and abnormal act that sexual deviants are committing to satisfy their sexual desires and from psychological point of view any sexual act that is not approved by the moral conscience is a Sexual Deviations.

2- External factors
External factors of habitual crime include social and environmental factors that directly effects committing crime.

1-2- social factors
Where a group of people gathered together, some norms has made to meet their needs easier and better and everyone has called to comply that norms. People often feel conformity to social norms, so social life, will be a fairly regular and predictable model. However as much as following the norms violation of social rules will be observed in society (Sadigh Sarvestani, 2010).

The factors of habitual crime doesn’t only include internal and personal factors that are only connected to the person but also society and environment in which they are placed sometimes play an important role in committing a crime that cannot be condoned (Najafi Abran Abadi et al., 2012).

Dysfunctional family, Parental discord, divorce, stepmother’s bad behavior, orphans, the poor love, parental criminal ID, features and characteristics of housing, fathers job, educational problems, unemployment, bad economic situation, inflation, immigration, cultural conflict, poor prison conditions, radio, cinema and TV, etc. are of social factors contributing committing a crime, but “Brigg” a psychiatrist and criminologist holds that we humans do not all have the same character and each of us reacts differently to external stimuli pressure so the role of external factors are not general and are not was not affective to all in a same manner (Keynia, 2013).

Sociologists know crime as a social phenomenon and believe that as the cause of every social phenomenon must be sought in the community, abnormal or and criminal behavior must be identified as social and environmental conditions. In his view, delinquency depends on social and cultural status and because it is a natural phenomenon therefor con not exist with exceptional reasons but it has a direct relation with of each society’s construction and culture. (Sotoude, 2013).

Sutherland American criminologist and sociologist focused on social effect of social phenomenon and deny Lombroso’s and followers of the biological and psychological school theory that think that these factors are effective in crime committing. In Sutherland point of view crime is not inherited and all people are born with no special tendency to commit crime. Temperament and willingness to commit crimes is achievable, so Sutherland denies the effect of genetic and biological factors of mental disorders in committing crimes, on the contrary, considers the environment as a major factor.

On the other hand, Durkheim believed that with the disintegration of norms and of desires being out of control anomie arises; Anomic in Durkheim's view is summarized in the following diagram:
Rapid economic growth ► sudden wealth ► Wealth or poverty ► satisfying the infinite needs ► Social discontent ► deviation/anomie (best, 1993).
Thus, to establish the nature of the crime must have sociological explanation because the nature of the crime depends on social institution. One of the most important aspects of sociological thinking about the crime is emphasizing on the mutual relationship between conformity and deviance. There are many different subcultures in modern societies. A behavior that resonates with the norms of a particular subculture may be considered out of that deviance subculture. In this regard, there are five prominent theories, including the theory of pressure, cultural transmission, contrast, labeling and social control (Best, 1993).

2-2- Environmental factors

Paying attention to environment and its impact on the emergence of the crime begun from the first decade of the 19th century, then up to now many scientists are theorizing about the effect of environment into delinquency. Detolio’s theory known as the nature of the delinquency suggests that committing crime is a phenomenon that generally the process of biological, chemical, hormonal, neurological and psychiatric concern in it. In contrast of some biological theories, some scientists began to study the impact of environmental factors on delinquency. The first scientists who win to show the correlation between geographical environment and delinquency was the Belgian astronomer kettle. His researches supported this idea that there is a direct relationship between climate and type of crime (Ahmadi, 2012).

In criminology, the environment is divided into two natural environment (geographical) and social environment. Natural environment refers to an environment in which one lives and this environment has a climate that partly plays a role in committing a crime. For example, in Mountain regions or Flat plains areas or in hot and cool climates the amount and type of crime is different or natural environment indirectly involved in crime among urban and rural people. The social environment is the environment that is divided into two kinds of public and private environments. The general environment involves the overall situation for all members of the society which is equal for all, like economic and political conditions and so on. Personal environment include areas that are nearby, this environment in its turn is effective emerging of habitual crime (Niazpour, 2008). Among Environmental factors that increases delinquency, particularly among children and adolescents, migration from the countryside to the city and problems related to marginalization can be noted. Some criminologists believe that today's internal and international migration is one of the main reasons for the increase in crime rate, especially among first-generation immigrants. Beside The progress and development of the mass media can be another cause of crime, this means that playing martial arts and war movies, showing the method of theft and … somehow can leave a negative impact, especially on children, and at the same time pushing them to commit different crimes (Graham, 2004).

“So the effect of environmental factors on the prevalence of crime is indisputable and indubitable that includes family, demographic factors and natural or geographical factors. Urbanization and population density in big cities are also among environmental factors causing offense. This can be explained in this way that population density, provides wider possibilities available to persons subjected to crime. Thus, population density and anonymity and mobility that makes it possible for criminals to escape the law should not be ignored. Statistics show that Major criminal events occurred in cities than in rural areas and among the cities that the population density is higher, there are greater crime cases too (Niazpour, 2008).

3- Biological factors

Biological factors include factors that roots in nature of the person. In other words, according to biological approach, delinquency coming from individual’s physical and intellectual aspects that has a congenital aspect. According to this approach, genetic and personality
characteristics are effective in delinquency. In this section delinquency Biological factors will be explained.

3-1- Inheritance:
The human body is composed of more than one hundred trillion cells that there are identical copies of genetic information in every one. People in terms of their genes are unique and genes are not the same in any two individuals. Genes, transmitted by heredity from parents to children. This fact and the tendency to use the findings of genetics to explain the delinquency, leads to genetic inheritance theory in the twentieth century. This theory is based on two main assumptions, the first assumption is that there is a specific gene for delinquency, the second assumption is that delinquency the genes inherited from parents to children. In the first assumption extensive studies have done and a lot of scientific endeavors discovering delinquency gene are in course, although the delinquency gene has not been identified yet, but research continues (Niazpour, 2008, P 88).

After the birth of the positivism school this issue became expressed that whether heredity plays a role among the factors contributing to the delinquency or not? For the first time the issue of human delinquency hereditary was presented by Cesar Lombroso in criminal man book. He concluded after much investigation that the root of delinquency should be find in the people’s nature. After seizer Lombroso, his co-workers Enrico Ferry and Garo follow, many researched about rising crime roots and the impact of inheritance on it conducted a comprehensive investigation. Some of these studies have focused on the impact of the inheritance in delinquency, but most of these studies pointed to slight influence of heredity on crime, and some of them were denied the effects of these factors but the fact is that hereditary factors are not effectiveness in the event of delinquency. It should be pointed out that criminologists were not faced with completely scientific approach to the question of family influence on delinquency in children and the next generations and from the beginning, believed that biological criminal determinism (Lotfi, 1940).

Before conception and embryo formation, genetic factors are effective in individuals through their genes. Those genetic characteristics of each person there is the possibility of demonstrations or lack of expression of are genes. The general idea is that suitable environmental conditions are essential for expression of these genes that means each individual gene appears in the effect of environment. Scholars who have emphasized on delinquency concept are defending this issue, and believe that delinquent children have got delinquency gene from their ancestors or their parents hereditary. Hereditary factors are genetic factors that are pregnant in a single cell form father’s Spermatozoa and mother’s egg cell nucleus known as the Zygote and are transferred from generation to generation. Each of us humans in addition to a series of unique characteristics, carrying some effects and genetic characteristics as well. These properties are known as inherited genes and placing in the body with the growth of all cells continue to exist and develop all of his life being. The purpose of inheritance is studding existing similarities between relatives, especially parents and children. Every person is connected with their parents through male and female reproductive cells (spermatozoa and ovule) and there is no direct relationship between them, so that we can say similarities or properties which are given from parents to children are transformed through these cells. There are 23 pairs of chromosomes in the nucleus of every human cell which are composed of two types, consist of, normal chromosomes that are similar in shape and make up physical characteristics that are known as somatic chromosomes, And the other that their shapes differ from male or female, they called the sex chromosome and was established in 1901 by a scientist named McClain (Lotfi, 1940).
2-3-Personality characteristics

The collection of everyone’s passions is characters, but in public’s view people’s characters determines as a result of the emergence of a particular attribute. In psychology it has proved mental and moral characteristics must be studied to identify each individual's full personality. In addition, to study the physical traits and psychological characteristics of individuals, common method of natural sciences that is observation and experiment should be used, because the true passions are unknowable such as ego and their existence can be realized from their traces, but on the other hand anyone sensual qualities are unique and form a series of units that in psychological jargon it is known as unity and this unity is preserved over time and show a person's identity. Thus, from the perspective of the psychology, everyone’s personality includes all the features of the physical, mental, emotional, social and moral characterization inherited or acquired that clarify him from others (Louis, 1979).

American psychologist “Gordon Allport” in 1973 defined the character as “character is a live, passive and mobile perceptual organization of human mental and body that that makes him compatible with the environment. Some scientists have proposed such a definition about character” The physical and mental integrity constitute his character’. The purpose of integrity in this definition is not evolution but this means that his is the person after passing the puberty and upon reaching the social age that the custom approves it too reaches enough of the physical and mental development and gets a social status as a person (Niazpour, 2008). To explain the role of criminal character in the development of delinquency it is necessary to pay a twice attention to the definition of criminal character.” Jean Pintail” and “Pier Buzau “French criminologists defined criminal character in the third volume of his book as a treatise on criminal law and criminology as “Present predicament shared by those who put them in the accept or seek out a situation that is out or disagree with the accepted norms of their group. “It also stated in the definition of criminal character that” a person’s state that place him outside of the scope of existing norms and values.”’ (Niazpour, 2008, P31). The view that is the pick of the transition from the idea to criminal act, raised in 1963 in the form of a criminal character by French criminologist Jean pintail. He believes that between offenders and non-offenders in terms of substance, there is no fundamental difference. It is exactly the opposite of the theory was provided according to positive school where the offender there was essential difference between the ordinary person in terms of the nature and structure. That is, Cesare Lombroso and the pro the biologist of Charles Robert Darwin school where human development has stopped in part of during his development. While in pintail theory, there is no fundamental difference between criminal and non-criminal. According to him, all humans have a central core character that in all of them this central core character can take criminal aspect. Based on the pintail’s criminal character personality has five elements or variables that are composed of a central core and four variables, these variables deal with crime as obstacles. When these variables highlighted and to eliminate obstacles in the way of overcommitting offense an ordinary person becomes a criminal character (Jafari and Lajam orak. 2012).

In criminal character theory which is mostly psychological, some aspects are examined that allows one person transform the criminal idea to criminal act, in other words transform the criminal idea to criminal act is done in the frame of this theory and transforming the criminal idea or activating the criminal core character is subject to these four pillars together. The four core pillars plus criminal character, make the criminal potentiality into actual criminal. The sum of these four pillars in a person can turn him into criminals. Therefore, from pinnate point of view, the difference between a criminal with someone who is still not committed a
crime is that these four variables are added to his core character. These four variables are arrogant and self-centered, whimsy or mental instability, aggression or incursion state and emotional indifference or rebuff (Ardabili, 2013).

Conclusion
Habitual crime is subject to frequent occurrence of one act there for this aim is not achieved doing a criminal act one time and must be repeated at least twice, Such as begging, setting up casinos, encouraging corruption, or providing its grounds and professional stealing of stolen property that should at least be repeated twice. On the other hand, Prosecuting of the person who have done a habitual crime is not for performing the last act, but also prosecuting and punishing the habitual criminal is for committing multiple crimes. Habitual criminals are said to some criminals who having special characters aspects, committed a criminal act at least twice without emphasizing on recidivism on former crime.

The causes of criminal phenomenon should be searched in personality characteristics including physical, psychological and the environment details that surrounds him. Thus, factors causing offense can be divided into internal and external factors related to the environment. Internal factors with its characteristics can be divided into hereditary and acquired groups. Hereditary factors, are some self-brought aspects that the child have achieved from his father, mother and their ancestors and have brought to the word at the time of his birth and the effect heredity in personality development of children cannot be denied. Researches in recent years in the field of genetics shows that part of chromosome abnormalities profound influence on feelings, emotions and human behavior in general. On the other hand acquired traits of human personality could be partly flourish from genetic potential aspects or prevents its development. This feature that cannot doubting their crime effecting, sometimes effect on fetal growth such as exceptional events or abnormal damage to the baby during delivery and sometime achieve voluntarily, its example can be seen in more or less intense desires for drug in addicts and humans measured or unconscious reactions to external or environmental stimuli depends on the structure of his personality. However, the effect of environmental factors in shaping criminal phenomenon should not be ignored. These factors are party are special for normal human environment. Criminological research shows that there is a direct relation between some natural factors and criminal acts like temperature (heat and cold) and the change of seasons also Urban and rural environment are not the same in delinquency, sometimes Person's social environment makes him in relationship and sometimes in conflict with other members of society.

Since the beginning of the positivism school, the habitual crime have been focused, and have interred into criminal studies. Studies has shown their dangerous state and this group of people are problematic, not only for themselves but also society. Studies show that most people who are under punishment of the criminal justice system, are habitual criminals, the most obvious property in this people is this that they are accustomed to repeat the crime and from this aspect they are similar to professional crime but in terms of IQ, dangerousness and criminal capacity are different. Habitual criminals are that ones who are committing crime continuously and sustainable. In addition to internal factors, social factors also play an important role in the happening of the crime; the society and the environment that the person growth on it and the complexities and shortcomings that be happen due unfavorable parent job and family conditions and lack of financial status, may have a devastating effect on the psyche of a person.
References

Ahmadi, Mahnaz, narcissistic disorder, Department of Psychology Pub, Teacher Training University, Tehran, 2012
Jafari, Dariush and Kosar, Lajam Orak, criminal character and issues affecting, Hagh ghostar publish legal articles institute, Tehran, 2012
Sekhavat, Jafar, Sociology of social deviations, Payam Noor Pub, Tehran, 1995
Ghoddouzian, Iraj, The principles of general criminal law, Mizan Pub, Tehran, 1999
Nourbaha, Reza, principles of general criminal law, Mizan Pub, he eighteenth printing, Tehran, 2012
Articles:
Best, john, criminal sociology, translation by, Fereidoun, Vahida, Journal of Sociology research, no13, 1993
Graham, John, the impact of early social-psychological elements in Delinquency Prevention, translation by, jasmine Khajenouri, Justice Legal Journal, No48, 2004
Lotfi, Ali, criminal law (ffenses due to accidental and business disruption or impact of pests and diseases in the development of the desire forcrime). Legal Journal, No.174, 1940