

CRIME, CRIMINOLOGY AND LEGAL REMEDIES

**(A COMPARATIVE STUDY IN THE CONTEXT
OF ISLAMIC REPUBLIC OF PAKISTAN)**

By

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PREFACE

Islam totally negates crimes. Holy Qur'aan legislates severe punishments for heinous crimes and gives Muslim state regulative powers of penal policies for all other crimes. The Holy Prophet Muhammed Sallahho Alyhe Wa Sallam practiced so for peaceful co-existence of human society.

Criminology emerged as a social and behavioral science subject from 7th decade of 19th century. It deals with crime and criminals. Crime, in every society in the 21st Century is first law and order priority. Crime is viewed as having a devastating impact on social, economic and political life of all people. It is serious ethico-psychic deviance of law breaking individuals threatening the peaceful co-existence of community and society. Everyone of us is concerned about becoming the victim of violent, property and terrorist activity and moral crime. Legal remedies with modern crime prevention and treatment of offenders coupled with Islamic individual behavior can limit the risk of victimization fastly growing. So Criminology and Victimology are main subjects of this book.

Business crimes, serial killings, teenage gangs, property and financial frauds, corruption and wave of mob killing by terrorism, enemy against sabotage narco-traffic, women criminality and crimes against females etc. etc. are new challenges to our Islamic republic. Police brutality, prison riots and violation of human rights stun us all. Newspapers and electronic media are constant reminders of the increasing rates of crime posing threat to every nation.

The teachers, researchers, legal experts, legislators and practitioners of criminology, victimology, Islamic ethics and criminal justice having first hand experience dealing with crime and criminals must provide authentic information in this respect. So this writing is the very first book on comparative studies in Criminology to help students of this discipline in Pakistan. It will help indepth social research in the efforts of law enforcers, specially police, prosecutors and judiciary in Pakistan for crime control. Book leads to study of Criminology by facts about Pakistan for peaceful life in 21st century in our country.

The fields of Criminology, Victimology and Criminal Justice are dynamically changing the context of law, legal education, social research

study of nature and extent of crime as well as the most damaging effects of criminals. Anomie or law breaking causes and methods of prevention are the special issues at national and international levels. So the author presents this research work in that direction with 55 years' academic, law enforcement experience and special work on Juveniles Delinquency, habitual criminality as well as treatment of offenders.

Pakistani society views "zer"(money), "zameen" (land), and "zun" (woman) as the basic causes of crime and try to treat offenders under the centuries old stereotyped penal policy under methods of strict out-dated rigorous imprisonment philosophy. Pakistan achieved independence in 1947 with 35 million population and 73000 registered crimes in 1948. Now its population is 190 million and crime is above a million. Population increased 6 folds but crime escalated above 12 times.

This academic work also will enable to view criminals as victims too who are forced to violate the laws because of "shuhrut" (valor) "zaroorut" (urge), and "ghyru" (frustration to self settlement), "adavat" (old feud) "nasha" (addiction), "bud aadut" (bad habit) and "bud suhbut" (bad company) as well as poverty ("ghurbut"), illiteracy ("Jehalut"), family respect ("Izzat"), social structure, lack of opportunity, aggressiveness, anti-social behavior, the electronic/ print media vulgarity, the internet/ V.C.R. bad impacts, sex, violent culture, mental/ physical abnormality and politico-legal instability.

The ongoing issues and programs are examined and suggestions are made to cope with the incidence of crime at grass root level. This book will help the students and teachers to study the history of crime, criminality and prevention code policies. The noticeable feature of this book is that it tries to combine the beliefs of East and West together and helps the developing world scholars to understand that deviancy is a global phenomenon. It needs global law enforcers' community efforts to work together to maintain the level of maximum control on crimes and minimum tolerance for criminals in each country.

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ABOUT THE AUTHOR

Born in 1940 in a village of Pakistan. Dr. Abdul Majeed Aulakh is Retd. Principal, National Prisons Academy (CJSTI) under the Federal Ministry of Interior, Government of Pakistan. Dr. Aulakh has one diligent son and one intelligent daughter, both married. He has three grandsons. His wife is great and gentle lady. He started his public service in 1963 from Local Government Academies. Then he was raised as Principal of the National Institute of Labour in 1972. He received his Doctor of Philosophy Degree in Islamic Criminal Justice System from Utah State University in 1994 and Master's in Criminal Justice from World fame John Jay College of Criminal Justice of CUNY, New York, U.S.A in 1989. Dr. Aulakh received his Master's in Public Administration (with Good Governance); Masters in Sociology (with Criminology), LL.B. and D.L.L. -- all from the Punjab University, Lahore, Pakistan. He studied in Japan for Diploma in Law enforcement and treatment of offenders. Dr. Aulakh has published 25 books, specially "Criminal Justice", "Crime & Criminology" and "Prison Administration in Pakistan. He translated the Holy Qur'aan into simple American English, authored the book "Law Enforcement & Police Management" and numerous booklets, articles, and research works on Crime and Criminal Justice in Pakistan. Dr. Abdul Majeed A. Aulakh has been for long a Visiting Professor in Labour Laws, Criminal Justice subjects, comparative Islamic studies and Research Methods in all prestigious professional Institutions of Pakistan. These include, Police College, Sihala; National Police Academy, Islamabad; Civil Service Academy, Lahore; Punjab University

Varied Departments; Federal Judicial Academy; National Institute of Public Administration; NILAT/IRI and more. While working on his Master's Degree in Criminal Justice in World prestige John Jay College of Criminal Justice, New York, Dr. Aulakh voluntarily served the NYC Corrections, Victim Compensation as well as Immigration and Naturalization Services in States of New York, New Jersey, Pennsylvania, Illinois and Washington, D.C., U.S.A. He visited Japan, India, Saudi Arabia and Egypt for comparative studies of system of these countries. He as U.S.A. citizen is always ready to provide academic assistance to every university. Islamic and cultural education to Asian American children is his special concern.

He planned, implemented and administered a federally funded comprehensive course in Criminology for the Criminal Justice organs of seven Central Asian Republics of defunct Soviet Union and is a co-author in writing a proposal for Master's Degree in Criminology and Criminal Justice at the Punjab University's Department of Sociology. He has been for year a source person to UNICEF and Punjab Social Welfare Department on juvenile justice. He was examiner and advisor to the Federal Public Service Commission and Punjab Public Service Commission for 15 years. He remained a legal expert as High Court source person, Ministry of Interior and U.N. organs. He is still very active for varied publications while in Pakistan. He serves Muslim Communities of New York, Connecticut and New Jersey while in U.S.A. He remains a sincere humble Muslim of Pakistan to improve religious-general education institutions of his native village and Lahore community.

(Publisher)

ABOUT THE BOOK

This book has equally important Six Parts. Part I pertains to understand Crime, Criminology and Law. It presents a brief history of Criminology and Victimology tracing their origins from the time immemorial to the door-steps of twenty-first century. It points out techniques of measuring the extent and nature of crime, criminals and victims.

Part II explains the deviant behavior based on the criminological theories developed during the nineteenth and the twentieth centuries compared with Islamic penal policies. These theories explain biological, psychological, sociological, ecological, socio-political and integrated views of the causes of crime and delinquency as well as the Qur'aan-o-Sunnah strategies to prevent crimes and reform criminals.

Part III deals with typologies of crime including the legal-historical perspectives, including all types of crimes against persons, people (state), property, business, peace and public order. Ethico-moral deviance such as sex related offenses, abduction and substance abuse are also discussed. The assessment of law breaking of offenders is made in view of cultural and religious back ground of the actors with some data from Pakistan.

Part IV deals with crime prevention legal remedies with special reference to Pakistan.

Part V is lengthiest and is devoted to the agencies comprising criminal justice system from criminological research view-point. It explains the functioning and interaction of various components of the system, namely the police, the prosecution, the judiciary, the probation, the prison, the parole and other community-based correction mediums. A comprehensive chapter

has been added on the juvenile justice system highlighting its prospective practices in the twenty-first Century Pakistan.

The last Part VI is added to reform the present system of crime prevention and restructuring it to best effectiveness.

The unique features of this book are:

- * the author has tried to apply the European and Western theories of criminality into Eastern (Pakistani in particular) philosophy of “zer”, “zun” and “Zameen” causes of crime.
- * Part V on the components of criminal justice system includes mostly its practices in Pakistan. Special attention to passive crime investigation by law enforcers and Prosecution’s structure at three-tiers is discussed in light of international practices of the modern world with suggestions for Pakistan to join the world community in a global village while providing effective prosecutorial services.
- * A full length separate chapter on juvenile justice system reflects the international trend to save the “child” from its .adult predators by extended Human Rights protections under the United Nation’s Beijing Rulings, It allows Pakistan to march into the twenty-first Century global village of justice to treat child offenders in early age to save the nation from habitual criminality.

I am specially thankful to those who even with a glimpse of encouragement approved my efforts to take-up this monumental task of revision and enlargement of academic information. I would like to acknowledge the great atmosphere of support of my family whose patience and tolerance has made this scholarly endeavor possible. Special thanks to the Publisher for this 3rd revised and enlarged edition publication.

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