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**SITUATIONAL PREVENTION AND MEDICAL MODEL TO PREVENT CRIME
ACCORDING TO ISLAMIC LAW**

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ABSTRACT

Considering that, Islam is a comprehensive and compete religion, Islamic penal provisions are adequately flexible and considering the strategies given in Islamic sentences, the crime can be prevented. Attention to the religious teachings about crime prevention is much important for our justice system that is based on Islamic sentences. Preventive measures is a complex of educational, didactic, social, cultural, economic and political activities. For instance, preventive interventions can be divided into social, individual, situational and ultimately disciplinary and criminal measures. Active prevention (non-penal) includes various measures and methods which are used out of penal system to prevent crime. Considering the weak results of penal prevention to prevent crime occurrence due to imposing high cost and human force to the government, non-penal prevention absolutely is more effective and it will conduct a person who may be on the eve of delinquency, toward the right way by controlling social factors and proper social and non-penal strategies. Some moral teachings that can have role in the prevention of crime occurrence include: encourage to the observance of piety, advice to forgiveness, advice to kindness and generosity, obligatory of forbidding what is evil or public supervision.

Keywords: Crime, Situational Prevention, Islamic Law

INTRODUCTION

Non-penal prevention intends to detect and control social factors which may cause a person to be on the eve of delinquency including economic, social and cultural inequalities and on the other hand, it looks for elimination or decreasing the opportunities of misconducts. Scientific strategies of the recent case can be searched in defensible space and the concept of situational prevention through environment design (Shirazi, 2005); so that, the measures which cover all the population and have no attention to the groups at risk, and enter the battlefield, are called primary prevention, and when these measures are conducted for a specific group or a group at risk or the group in which the probability of risk occurrence is high, they are called as secondary prevention.

Situational prevention and medical model

Theory of rational section shows that, since criminal activity is a specific activity, preventing the crime or decreasing it must be achieved through policies which convince unknown criminals to give up criminal activities (Sigel, 2006), postpone their performances or avoid a specific goal.

Criminal actions would be avoidable if:

- A) The targets are carefully protected.
- B) Crime tools are controlled.

C) Potential offenders are closely monitored. Dangerous persons may intend to break the law but, only an inpet person attack a well-protected target and accept the hard penalty. After that, crime prevention will be accessible by reduction of the opportunities for the people to commit specific crime. This action is called situational prevention.

Situational prevention for the first time was developed in the U.S by Scar Newman who generated the phrase “defensible space” to show that, crime is preventable. Newman said that, criminal opportunities can be reduced using architectural plans for housing such as housing projects with good lighting that increases observation. C.RayJeffri (1971) presented crime prevention plan through environment that developed Newman’s commitments and applied them for nonresidential areas such as schools and factories. According to this theory, the measures such as security systems, hard locks, street lighting with high intensity and local security forcesshould be able to decrease criminal opportunity.

In 1992, Ronald Clark published the situational prevention in which he had collected the most famous strategies and

tactics to reduce criminal happenings (Cikel, 2006).

As it has been emphasized, situational prevention relies on physical environment design and control, and reduces the criminal opportunities through this way. But, if this target or opportunity reduction was not reached, the change risk is increased. Therefore, theory of situational does not consider the criminal's motivations. Of course, when the discussion is about intimate conversation among the society people with the persons who are on the eve of delinquency to prohibit them from criminal actions, it is a kind of indirect consideration to the criminal's motivations.

So, situational prevention increases the risk of being arrested and identification; therefore, it disrupts the criminal's calculations and deters them from crime commitment. Instead of relying on the person, this kind of prevention considers the environment in which a normal human may commit crime. The thing assumed in this type of prevention is that, the human is intellectual and acts rationally and does not commit a high risk. Accordingly, this type of prevention pursue eliminating the attraction of crime goal, increase of cost and decrease of crime successfulness. Here also, the criminal is considered indirectly.

Concept and principles of situational prevention

Situational measures to prevent crime is very old in history. The humans always do some measures and consider some strategies practically to protect themselves against the others' attacks. Amulet is considered as a symbol of situational prevention and is much important in criminal law. The cause of penalty intensification in theft in the view of criminologists is that, the owner has conducted the required situational precautions while theft has been occurred. In this case, since the victim has done the required measures, the robber's punishment is aggravated. Of course, the human's element is ignored in situational prevention. The purpose in situational prevention is indirect effect on criminal selection and option of the person and to changing his rationality. In fact, the purpose is to make a pause in criminal thought. By making environmental changes, we intend that, the potential criminals adapt themselves to the new situations. Nevertheless, in situational prevention, we look for the cancellation of delinquency, and final solution is not considered. The criminal's personality is not considered in our measures but also, we consider the person's environment (Najafi, 2005).

Prevention based on medical model

Delinquency prevention is divided into several types. Triple pattern of delinquency prevention is one of the divisions. According to this categorization that has been taken from medical science and has entered the criminology field, prevention of delinquency is divided into three types including primary, secondary and tertiary prevention.

Primary prevention

Primary prevention means to immunize the people from fighting to all contexts of crime commitment which is paced in “social development” framework. Primary prevention is a macro-approach to improve life conditions and focuses on criminal contexts and environment. Primary prevention is a set of strategies that try to affect criminal opportunities and delinquency causes through social, economic, political and cultural contexts. Hence, applying appropriate measures for occupation, poorness and housing which are applied before crime commitment, are considered among this type of prevention. If studies and theories of criminology show that, if dropout affects crime, so, we must intervene in dropout and attempt to reduce its rate.

Secondary prevention

Secondary prevention is applied before crime occurrence and intends to identify and

prevent delinquency of the people who are at risk more than the others, and monitors addicts, vagrants or orphans. This prevention is affected by prediction about criminal situations to identify the people who are exposed to critical criminal conditions and then, reduce their delinquency probability by preventive measures. Criminological studies show that, delinquency is not a coincidence phenomenon and often we can predict who at risk is or what crime. At this level, we must identify the situations since, the people who are at this level, are more limited; so, higher energy and potential can be used for them.

Tertiary prevention

Tertiary prevention also is called prevention of crime commitment. It includes the measures which are applied after crime occurrence to prevent repeated delinquency of the people. This type of prevention attempts to prevent returning the criminals to delinquency, using the measures of criminal justice system such as prison punishment by a modifying -remedial approach. Since, tertiary prevention believes that, punishment has a remedial-modifying trait.

The present study, relies on the development of strategic plans and measures instead of relying on various performable programs. The subject of this study is non-penal solutions of crime prevention in Islamic law.

Considering that, some penal solutions cause crime commitment instead of being effective and leading to intimidation and crime prevention. So, we should present non-penal solutions to prevent crime commitment which has been conducted in this study and is one of the main objectives.

LITERATURE REVIEW

About the subject of present study, some theses, books and articles have been written during the recent years while, however, no thesis or article was found that has investigated and described the subject as the present study.

1-Qannad, Aqajani (2006)

2-Gorji, Abolqasem (2006)

3-Abolhasani, Saeid (2002)

4-MarkAncel (1996)

5- Jan Pinatel (1986)

6- Cesar Becharia (2001)

7- ReymondGosen (1991)

RESEARCH METHODOLOGY

A field study was conducted and considering the need for questionnaire collection, this task was done ad in sometimes, library method was used as the other human sciences researches. Also, due to high importance of the subject, there were variety of articles and publications in websites which were used in similar cases.

CONCLUSION

Punishment severity with crime proportionality is so that, no body follows the crime. Only ordaining the mentioned punishments is enough to deter and dissuade the potential criminals. The mean of deterrence is to adopt a strategy to make crime refuse. In this view, two types of deterrence are proposed in criminal law: general and specific deterrence which are called general and specific penal prevention. The jurists consider struggle with poverty, social, political, cultural and welfare injustice and providing proper opportunities and situations for all people and meeting their material and spiritual needs beside social controls, necessary for crime prevention.

In preventive programs, three subjects must be considered simultaneously including: the criminal, type of crime and physical-social environment around him/her.

Situational prevention is another non-penal prevention type which relies on design and controlling the physical environment, and reduces opportunities of crime commitment. But, if this target or opportunity reduction was not reached, the change risk is increased. Therefore, theory of situational does not consider the criminal's motivations. So, situational prevention increases the risk of being arrested and identification; therefore, it disrupts the criminal's calculations and deters

them from crime commitment. Instead of relying on the person, this kind of prevention considers the environment in which a normal human may commit crime. The thing assumed in this type of prevention is that, the human is intellectual and acts rationally and does not commit a high risk.

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