

On the Concept of Crime in Criminology

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ABSTRACT. *In the process of criminology, it is of great significance to clearly define the concept of crime. However, in the field of research at home and abroad, the concept of crime in criminology has so far not been authoritative, and has always Focus of controversy. Based on this, this article will try to deeply explore the concept of crime in criminology, and hope to provide you with relevant researchers as a reference.*

KEYWORDS: *Criminology; Crime; Concept*

1. Introduction

When referring to crime, people often use the concept of crime in criminal law as their thinking point. However, in fact, there is a concept of criminology in addition to the concept of crime in criminal law. The concept of crime in criminology has always been it has been the focus of controversy among scholars since.

2. Current Situation of the Concept of Crime in Criminology

As a discipline, criminology has a century of history in western countries, but so far, there is still no unified and clear definition of the definition of crime. China has started to study criminology since the 1980s and has developed so far. There are also many different views and disputes on the concept of crime.

The concept of crime appears in both criminal law and criminology, so there is a natural connection between the two. This relationship has always been the focus of scholars' research. If it can effectively clarify the relationship between each other, it can also be used for criminology. The concept of crime has a clearer understanding. In view of the previous connection between the two crimes, our theoretical community has formed three different views:

The first is equivalence. It means that the two should be the same. The crimes studied in criminology should be consistent with the crimes stipulated in the criminal law, without deviation [1]. The reason for this view is as follows There are several points. One is that the same definition of the two will not cause ambiguity or confusion in the two disciplines. The other is that the same definition will not hinder the study of crime. The third is that the concept of crime is too vague. Is very unfavorable.

The second is the theory of inclusion. Both of these doctrines should be defined in accordance with the provisions of criminal law, but the crime of criminology includes more than just the scope of criminal law; that is, the criminal behavior of criminology includes criminal law. Criminal behavior. The concept of criminological crime formed in this way is: crime is a serious act that should be punished by society [2].

The third is partial collusion theory. That is to say, there is a partially overlapping relationship between them. The definition of the criminal concept of criminology is only based on whether it has serious social harm [3]. In this way, as long as it is a serious harm Society is crime; compared with the concept of crime in criminal law, it does not include decriminalized crimes, so there is a competition and relationship between the two.

3. Reasons Why It is Difficult to Clearly Define the Concept of Crime in Criminology

In order to solve the problem of “what is crime”, researchers have made continuous attempts and produced many views. These views reflect the breadth and depth of people's understanding of crime, and most of them have reasonable factors. From the perspective, That is to say, the definition is mainly in the following four: ethical perspective, criminal law perspective, social perspective, and criminal essence perspective, but these definitions, or these perspectives, are not completely consistent with the discipline characteristics of criminology

itself, making this definition very difficult. Specifically, the reasons why it is difficult to clearly define crime in criminology are the following:

First, crime itself has complexity and variability. The specific manifestations of crimes are diverse. From the perspective of their forms, street crimes, political crimes, economic crimes, professional crimes, and traffic accidents are very different, and they are very different. The connection is not clear. This complexity and variability are the basic reasons why it is difficult for me to clearly define crime.

Second, the perception of crime is different in different societies and in different ages. The identification of criminal behavior is closely related to social production methods, social systems, and the background of the era. The same behavior is a crime in one era and may not be in another era. For example, the act of sheltering relatives is a crime in China's current criminal law; but in the Tang Dynasty, "the grandparents, parents, and tattoos." The specific definitions of crimes in different countries today are also different. Caused by cultural differences [4].

Third, from the perspective of different disciplines, there are different definitions of crime. In fact, the concept of crime has different concepts in law, religion, sociology, etc.; and these concepts are based on the perspective of this discipline. Definition: The crime of jurisprudence must be based on violation of the law; the crime of religion is based on the violation of doctrine; the crime of sociology is based on the harm to social interests. Therefore, the same is true of criminology. It must meet the characteristics of the discipline itself and meet the research needs of the discipline, and cannot choose poorly, and often directly adopt other scientific concepts.

4. Definition of Crime in Criminology

In order to define the crime in criminology in a clear and unambiguous way, the difference between criminology and criminal law must first be clear, so as not to confuse the two crimes.

4.1 The Difference between Criminology and Criminal Law

As an independent discipline, criminology is different from criminal law. Although the research objects of both disciplines are criminal acts, the main differences are reflected in the following three room names.

First of all, the nature of the disciplines is different. Criminal law is a normative discipline, based on established laws and regulations on behaviors, focusing on the relationship between crime and punishment; it belongs to the category of law. Criminology is a discipline of implementation, which uses the process of crime as a the research focuses on the in-depth study of the crime phenomenon, so as to have a deeper understanding of its causes, and thus more effectively prevent crimes. It belongs to both law and sociology.

Secondly, the research tasks are different. The research of criminal law is to implement more effective and scientific punishment for offenders; the core lies in reasonable conviction and sentencing; the research of criminology is to understand the causes and laws of criminal behavior, and then to establish effective Crime prevention mechanism.

Finally, the research methods are different. In criminological research, empirical analysis is the main method; it can even be said that without empirical analysis, criminology loses its existing value. In criminal law research, empirical analysis is certainly one of the methods, but the value analysis method is the most important research method.

4.2 Definition of Criminology Crime Concept

As far as the definitions of criminology crime concepts from different perspectives are concerned, the following three models are mainly used by scholars in our country. Mode one is based on the criminal characteristics of criminal law. At the same time, the word "serious" that defines crime in criminal law is eliminated. Therefore, it is proposed that crime is an act that endangers the society or violates human rights. Mode 2 is defined by the facts and functions of the crime, and it is summarized as a crime that is seriously harmful and should be based on criminal law or heuristic law. The third is to define it from the perspective of methodology, and summarize it as an objective, socially harmful behavior that exists in social reality.

The definitions of these different angles above, although they each have their own strengths, are also shortened at the same time. Mode 1 is too broad and not clear enough; Mode 2 does not include crimes to be

criminalized, which is an obvious lack; Mode 3 is relatively lacking. Perfect, but how to distinguish “serious” from the definition of “criminal” in the criminal law here is another big problem. Based on the advantages and disadvantages of the above different definitions, Professor Zhang Yuanhuang made the following definition: “Criminal crime is Acts that endanger society and must be addressed by the state and society with appropriate countermeasures and measures.”[5]

Through the discussion of the concept of crime in the previous article and the comparison of the concept of crime in criminology and criminal law, the author considers that to define the concept of crime in criminology, we must strictly follow the following two points: First, we must fully consider the purpose of the definition of the concept Secondly, the concept of crime in criminology should be broader than the concept of crime in criminal law.

The so-called consideration of the definition of the concept, so that it cannot be the second concept, must define the criminal concept of criminology based on the research purpose of criminology. The so-called crimes with a breadth that exceeds criminal law are mainly based on the following There are three kinds of behaviors: one is the behavior of endangering the society by the incapacitated person; the second is the behavior that is socially harmful but has not yet been criminalized according to the law; the third is the crime that has been previously convicted but it is not It is socially harmful, so it should be decriminalized. These three behaviors should be criminological crimes, not criminal law crimes.

Based on the above principles, it is advisable to define the concept of criminology as a crime that endangers society and must be addressed by the state and society with appropriate countermeasures and measures. This concept fully reflects the criminology the research objective is to implement prevention or countermeasures by the state or society; at the same time, its scope covers other criminal acts including the concept of criminal law, which is also consistent with the content of criminological research.

5. Summary

In summary, it is of great significance to make a clear definition of the concept of crime in criminology. This article analyzes criminology and compares it with the difference between criminal law and criminal law, and then proposes the crime that the author considers more reasonable. Learn the concept of crime, hoping to provide inspiration or reference for related researchers.

References

- [1] Wang Yanfei (2009). A Comparative Study of Concepts of Crime in Criminology. *Journal of Fujian Police College*, vol.23, no.3, pp.39-50.
- [2] Rong Yue (2008). Preliminary Exploration of the Concept of Crime in the Perspective of Criminology. *Journal of Jilin Normal University (Humanities and Social Sciences Edition)*, no.5, pp.75-78.
- [3] Zhang Yuanhuang (2008). On the difference between the concept of criminology and the concept of criminal law. *Journal of Henan Public Security College*, no.6, pp.18-23.
- [4] Xu Weiwei (2016). Comparison of the concept of crime in criminology and criminal law. *Legal Expo*, no.32, pp. 221-220.
- [5] Yang Chongzi (2010). Talking about the concept of crime in criminology. *Forum on Contemporary Law*, pp.5-6.