

## **Future of criminality**

**Abstract:** Criminality is dynamically developed phenomenon, and it should be considered in context of the processes, which take course in a society.

Forecasts of a future state and dynamics of criminality in territorial and temporal ranges are rather inaccuracy and approximately as no one can in advance foresee, where, when and by whom will be committed the next crime. At the time, under statistical forecasting it may be quite substantially presupposed that with small indication changing a certain kind of crimes will be repeated from a year by year.

**Keywords:** criminality; reasons; man; system; dynamics; legislation; social terms.

It is known that Marxism-Leninism founders considered the issue of liquidation of criminality quite decidable one and linked it with abolition of exploitation man over man. Following this doctrine, the authors of the textbook on criminology, in particularity, wrote: “In course of development of the socialistic society is undermined the main social roots of criminality, but it is remained some reasons of it. They are not connected with the nature of socialism, and are caused by a concrete historical environment, in which socialism is built, overcoming a number of contradictions and difficulties within country and leading the acute class struggle in the international arena. As a social phenomenon, criminality will disappear finally in communist society.” [6, p. 54].

This was a position all scientists of the soviet time. Based on this, the criminologists had been put the tasks of “liquidation”, “eradication” and even “destruction” of criminality, and the same time as the western scholars believed that

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“socialism had not manage with criminality”. A long before the soviet scientists on temporarily nature of criminality were told. So, for instance, the utopian R. Owen noted: “Insistently and systematically try to improve a level of the general welfare, for protection the social order against crimes resort to the measures of the less severity, and crimes will disappear little by little, as even the most vicious and established inclination cannot long fight with insistent benevolence” [10, p. 178].

On the just opinion of Y.M. Antonian, “now nobody builds such utopian plans as it is clear that it (i.e. criminality – *I.R.*) is an inevitable and natural concomitant of humanity for all times, like illness and death” [3, p. 16]. In connection with this I would like to quote a sincere acknowledgment of I.I. Karpets: “Historically retrospective view to all process of criminality cognition slowly but inevitably exposes our errors, delusions and illusions” [5, p. 73].

Nowadays, many famous scientists speak about eternity of criminality. So, for instance, Y.M. Antonian writes: “Practically, it should not be doubts in fact that criminality has existed always. This conclusion has a great significance as it contains immanent statement that criminality, as an inevitable concomitant of mankind, never disappear, what would various creators of the “Sun’s cities” have thought on this issue” [2, p. 14].

Philosopher E. Pozdnyakov also asserts that criminality is an “integral element of wonderful human nature, and consequently, all being of human race” [8, p. 502]. Consequently, criminality will not be disappeared until exists man.

A.I. Alexandrov writes about that in another way: “It is inadmissible a complete victory over criminality and liquidation of it, at least, in social and economic formation that we know: this is only an ideal, to which one should try to attain” [2, p. 148].

Theory of eternity of criminality was born in the West. E. Durkheim, W. Landen, Ch. Breitel and others wrote about that. So, for example, E. Durkheim believed that “criminality is a normal phenomenon because it is completely impossible existence of society without criminality. Criminality is necessarily: it is firmly connected with the main conditions of any social life and by virtue of this it is

useful, as those conditions, by part of which criminality is, themselves are inseparable from the real evolution of moral and law” [4, p. 40-42]. From his point of view, if criminality is an element of healthy society then it means that criminality cannot be negative, harmful phenomenon. By other words, it is useful.

E. Schur also asserts that “it is senseless to think of liquidation of all crimes” [11, p. 15].

So, reality is such that none social-political system did not solve criminality problem. According to N.S. Tagantsev, “life of all peoples testifies that always and everywhere had committed and are committed the deeds, which recognized on various reasons not so much illicit but causing a certain actions of society or state, directed against persons committed them, i.e. the deeds, which are recognized as criminal; always and everywhere are existed individuals, who more or less stubbornly not obeying the law requirements and will of the powers, which protected of it” [7, p. 9].

Medicine teaches: it is necessary first to discover and study the reasons of the illness in order to find means against any illness. It is presented that an issue on eternity or temporality of criminality cannot be resolved out of context of the reason of criminal behavior of a person. If based on the fact that the reasons of crime have only social nature, then the eternity of criminality is put under doubt, since it is possible to have such society, which will not have these social conditions. If the reasons of criminal behavior are linked with direct nature of a man, out external social conditions, then criminality will exist until we find the sources of this evil and will not discover the means of their eradication.

And finally, the reasons of crimes can be as the social conditions so and psycho physiological particularities of a person. In this course, criminality will disappear when the social conditions and “defects” of an individual will be eliminated. Today, unfortunately, we are not in position to response on question about the reasons of criminal behavior of man. Therefore, criminality is an everlasting evil for us.

What to do? Maybe, should not it fight against criminality at all? Y.M. Antonian replies on these questions with the next way: “Fight against criminality is quite within

the bounds of possibility of human opportunities; just it should not put an absurd task of its eradication” [3, p. 7].

V.N. Kudryavtsev points out a difficult nature of this fight: “Combat to criminality bears a protracted and interminable nature; it seemingly, defeated and exterminated criminal forces “are revived from ashes”, “grown like mushrooms”, are appeared new types of criminality, new methods of criminal behavior. New and the most part educated men are involved in criminal sphere” [7, p. 29].

Last time, in reference to criminality very often is used a term “control” instead of the words we know - “war”, “fight”, “eradication”, “overcoming”. It is even made an attempt to join all forms of behavior with criminals with one term – “reaction to criminality”. V.N. Kudryavtsev supposes that replacement of the word “fight” can be understood also in another sense, as impossibility to overpower of a criminality: ostensibly, we are in position only “to control” of it, i.e. just to observe for the matters’ development [7, p. 36].

V.N. Kudryavtsev is right in fact that a word “to control” shows helplessness, passivity, non-effectiveness of society in fight with criminality. In our opinion, it is reasonable to use word “prevention to crime”, as it more democratic, progressive than “fight”.

If we are not in position to eliminate criminality then should be the same task put before society? On opinion of Y.M. Antonian, “keeping of criminality on civilized level is remained an actual task” [3, p. 17].

We are interested in an issue in respect of the future of criminality. Here it is spoken not only about eternity or temporality of this phenomenon, but about the nearest future of it. This interest, naturally, is connected with necessity to be ready to its prevention. But, in order to image yourself a state of criminality in future, for example in 3-5 years, one should possess with appropriate information about state and its quantitative characteristics, dynamic for the relatively long time, i.e. information about past and today’s condition of criminality. And this is, as known, an issue of criminality forecasting [1; 9]. “Forecasting is become with the instrument, - pointed out G.A. Avanesov, - which gives opportunity to study tendency and

objective regularity of criminality changes in future; it has attained a characteristic of the method of criminality research” [1, p. 27].

Is it possible such forecasting? Mathematicians could prove that it is impossible in advance to establish with a certain correctness the future condition of non-linear uneven system, i.e. such, in which the small deflection could be caused the considerable changes and which is situated far from the state of stabilization. Any tendency, being obvious in this system, can be instantly changed, and further process is transformed in principally accidental. One may assert that criminality is related to considered class of the system. Consequently, it is impossible to forecast a future of criminality, i.e. to determine in accuracy a state of criminality in 2-3 years, since as a mass antisocial phenomenon, in considerable extent it is presented itself amorphous, chaotic, spontaneous formation, “like a conglomerate of the different microorganisms, eating highly organized living creature” [7, p. 27].

By other words, elusiveness, unpredictability of criminality in those combinations of the coincidence, which preponderate in this sphere, has a spontaneous, unexpected, hard predicted nature. We do not know who, when, on what reasons and which crime will commit; just like we cannot explain existence of criminality in all times of humanity.

Therefore, we are not ready to forecast a future of the criminality until we are unable to reply to a question, why criminality is an inevitable and indestructible fellow-traveler of humanity.

It is necessary to take also into account that criminality is a statistic system, subordinating to probability regularities, to action as the objective so subjective factors.

So, the goal of criminality forecasting is a determination of the most general indications, characterizing the development (change) of criminality in future, revealing on this base non-desirable tendencies and regularities, searching the ways of changes of these tendencies and regularities in right direction.

Based on this position, we will try to determine a probable state of criminality in Azerbaijan during subsequent 5 years. We will begin from the analysis of a state of

the criminality in the past and will trace its dynamic during 50 years. It is reasonable to divide all this period into the two parts: a state and dynamic of criminality in soviet Azerbaijan and in sovereign, independent state.

In principle, we can assert that for the last 50 years independently on the political system a criminality has been grown in Azerbaijan. So, for instance, if average annual level of criminality in 1961-1970 was 13,600 crimes, then in period from 1971 up to 1980 – 14,650, and from 1981 to 1990 – 15,850. It should note that for the Republic with small numbers of population such tendency of the criminality growth is quite noticeable.

Beginning from 1981 it has been noticed a growth of common criminal crimes: 1981 – 42%, 1985 – 45%, 1990 – 58%. A level of serious and other violent crimes grows gradually. If in 1981 from total quantity committed crimes 390 were murders, then in 10 years, i.e. in 1991 this indicator was equal to 489. In 1981 the serious body injures were committed 222, and in 1991 – 397; predatory attacks – 169, robberies – 186 (1981) and correspondingly – 295, 213 – 1991. At the time it has decreased a number of rapes: 1981 – 119, and in 1991 – 48. Beginning from 1986 it has been noticeable the tendency of fast growth of the thieves of the state and public property.

So, in spite of the strict and rigorous criminal policy on application of punishment in period of the soviet Azerbaijan, it was fixed the growth of criminality including the grave and especially grave crimes. To 1970 in average 28-32% criminals annually had been sentenced to deprivation of freedom, and beginning from 1970 this percentage was not lower than 52%. It quite often had been applied death penalty for the different crimes, including for economic crimes. So, beginning from 1971 to 1991, i.e. during 20 years, it was sentenced 400 individuals to the death penalty – 20 persons per year. This is, in total features, state and dynamic of criminality in soviet Azerbaijan.

For the last 12 years statistics of the criminality of modern Azerbaijan also testifies that the tendency is getting to growth of it. Situation looks the following ways: 2000 – 13,958 crimes, 2001 – 14,607, 2002 – 15,520, 2003 – 15,206, 2004 –

16,810, 2005 – 18049, 2006 -18,667, 2007 – 19,045, 2008 – 20,185, 2009 – 21,250, 2010 – 23,000, 2011 – 24,000, 2012 – 24,320 crimes.

As it known, such crimes as murders, thefts, rapes, robbery and drug addiction are the gist of criminality. Therefore, criminality and its state should be assessed not only on statistical data but also on nature and part of the grave and danger crimes. One should keep in mind that just above listed crimes has a stable nature for the decades. This point should be taken into account upon determination, forecasting of the future of criminality.

What will be the conclusions come in result of analysis of the state, dynamic and nature of criminality in Azerbaijan to?

**First**, the criminality is objectively changed from a formation to the formation, inside of it, in dependence on social, political and economic contradictions and reforms.

Before the collapse of the communist regime in Azerbaijan, annually from the total number of the convicted persons 6 to 10% had been sentenced to freedom deprivation for illegal trade with agricultural products; the same number – for deception of the buyers. Certainly, this had influenced onto the general indicators of criminality in Republic.

At the same time, nowadays our legislation stipulates the responsibility for such crimes, which were absent in soviet period in Azerbaijan. Therefore, one should keep in mind that apart from objective changes of criminality, are existed also subjective factors, which depend on changes in legislation and law enforcement practice.

**Second**, since a criminality is dynamically developing phenomenon, then it should be considered in the context of all passing processes in society. Criminality manifests itself with special force in society, which has deep economic, social and political contradictions and problems. None of social and political systems is free from this regularity. One may with sureness ascertain the fact that Karabakh conflict, in result of which about one million people became refugees in the Republic, had influenced in state of criminality very serious in 1989-1992. Further, this growth was caused by the Soviet Union collapse and intensification of political, economic and

legal crisis in the republics. It has been started a sharp growth of the murders and grave crimes. So, for example, if in 1988 in Azerbaijan were committed 285 murders then in 1990 – 482, 1991 – 489 ones. For the period 1992 – 1998 an average indicator of a level of the intentional murders were 450. Beginning from 1999 it is going a process of the indicator's decreasing for such kind of crimes, average up to 200. No doubts in fact that this is direct connected with establishing of stability in Republic, especially of a political one.

Therefore, undoubtedly a future of criminality, in particularly constituting its core the murders, especially grave violent crimes, robberies and thefts, depends on the conditions of economic, social, political and inner life of a society.

Much it also depends on activity of the bodies carrying out a prevention of criminal manifestations. To a deep regret, we need to ascertain that we are not in position to demonstrate any successes in this matter, in spite of a fact we have a powerful practical means. So, for instance, everybody knows that corruption is one of the dangerous tendencies in criminality development in Azerbaijan. Inevitably, it leads to degradation of a society. Our legislation stipulates a strict punishment for corruption and bribery. But, in connection with a fact that this penalty exists only in Criminal Code and is not applied with a proper way in reality; it is become a subject of outrage. This leads to the fact that an attitude of a people to such crimes as corruption, other economic crimes in form of money laundering, concealment of taxes, illegal privatization etc. testifies about falling of public morality because it is absent a negative attitude of society to such deeds, phenomena. These crimes are not already harmful, dangerous, and amoral in public conscience; and are evaluated as phenomena of completely normal.

Beginning from 1992 it is noticed a tendency of the constant reduction of a number of detected cases of bribery, i.e. it is getting that there are no bribes in Republic. Certainly, this does not correspond to the reality. In 1997 it was exposed 68, 1998 – 66, 1999 – 68, 2001 – 54, 2004 – 5, and 2007 – 8 cases of bribes.

Based on above stated and with considering of a state of criminality in the past and nowadays one may conclude that for the nearest 5 years it is impossible to stop a



growth of the criminality in Republic, if not to undertake appropriate social and legal measures. Existing social unjust, which is not yet psychologically perceived by peoples, rupture between poor and rich people, uneven distribution of the material wealth, in much courses impossibility to resolve their vital issues with legal means, will have the strongest influence on people's psychics. It will be caused of violent crimes in some courses. Therefore in the best course, such crimes as murder, grievous of bodily harms, hooliganism, are remained at the today's level. Pendency of the Karabakh conflict will cause a negative influence on this category of criminals. Economic state of the part of population will be a reason of such kind of crimes as thefts, robberies, fraud, and tax evasion. So, for example, nowadays the thefts are more than 16% of all crimes.

It should note that more than 90% thieves, robbers, swindlers are able-bodied unemployed. On our prediction, a proportion of the crimes linked with drug-trafficking will be increased. Annually approximately 2500 such crimes are committed in Republic. This is the 15% from total quantity of the crimes registered. Absence of the proper effective activity of the appropriate bodies gives an opportunity to come to such conclusion.

Thus, predictions in respect of the future state and dynamic of the criminality, as in territorial so and in temporal layer, are rather incorrect and approximate, since nobody can foreknow where, when and who will commit new crime. At the same time, during carrying out the statistical forecasts one can quite soundly assume that a year by year a certain kind of the crimes will be repeated, with some possible changes of the indicators.

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