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Psycho-social dynamics of criminology and humanistic corrections: An appraisal

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Abstract

The Constitution of India clearly states under Article 21 that "no person shall be deprived of his right to life or personal liberty except according to the procedure established by law". This is a fundamental human right that acknowledges the spirit of human existence. Article 20 also protects a person's right against conviction. No individual is a criminal by birth. Understanding various psycho-social variables affecting offenders' cognitive and affective processes is important. Family and social environment play a vital role in shaping an individual's behaviour, thought process, motive, and personality. The age-old notion that "Spare the rod, spoil the child" is a punitive way of disciplining undesirable behaviours. It implies harsher the punishment, the better the character of a person. Unfortunately, such belief is supported by law enforcement authorities. On the contrary, the humanistic approach emphasizes the correction of criminal behaviour by inculcating more positive human values and rebuffing punitive measures. The present paper analyses various psycho-social dynamics of criminology and emphasizes adopting the humanistic approach in corrective measures for the reintegration of offenders into the mainstream of society.

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1. Introduction

It is a well-known fact that human beings are social animals and cannot live in isolation. They are influenced by their socioeconomic and cultural conditions. Human behaviour and thoughts are influenced by various social variables like group dynamics, likes and dislikes, interests, attitudes, and prejudice. Social Psychologists often seek to understand the social elements of an individual's behaviour, which are largely determined by the behaviour of others, social cognition, and cultural values. Socioeconomic and cultural environments predominantly play a crucial role in shaping human personality. Starting from the inception individuals learned both positive and negative morals, values, and behaviour from their own families, educational institutions, and respective social groups through the socialization process. Social Psychology is concerned with studying the influence of a group on an individual's social perception, attitude, prejudice, persuasion, and aggression, and also with predicting an individual's behaviour in society (Myneni, 2015) ^[7].

While dealing with offenders and convicts, law enforcement officials must investigate the causes of the illegal activities. Judges around the country must be more sensitive for jail reforms to be effective. Many of the country's prisoners are under trial, and many are imprisoned for no apparent cause (NHRC, India, 2018). An offender is first of all a human being regardless of the offence committed. He or she is in no way different from others having natural urges, inclinations, dreams, and hopes (Das, 2017) to fulfil his desires and achieve self-actualization.

The lawful or unlawful behaviours are nothing but the manifestation of underlying socio-cultural values. Unfortunately, society holds a very cynical attitude toward prisoners and is reluctant to accept them into the mainstream population. Such social perception follows blindly without knowing the real fact of whether the person is an offender or unwontedly falls into criminal activity due to any psycho-social or other environmental factor. An offender is someone who is subjected to forceful restraint and imprisonment for committing offences or offences prohibited by the land's law. But just being a prisoner doesn't deprive a person of his/her basic human rights protected under the Constitution. The Indian Constitution guarantees fundamental rights to all prisoners, except for certain freedoms, and the state cannot deny these rights to the prisoners (Swathy, 2018) ^[19].

2. The Rationale of the Study

The United Nations charter, which was established and proclaimed by a General Assembly resolution in 1990, puts forth some basic principles for the humanitarian treatment of prisoners in 1945, stating that all detainees must preserve human rights and fundamental freedoms. After years of intense campaigning and lobbying for the preservation and advancement of human rights, the Universal Declaration of Human Rights (UDHR) was adopted on December 10, 1948. Its vision was to ensure basic rights and fundamental freedoms as inherent and indispensable to every human life. A common standard must be accepted by all nations across the globe that each individual is born free and deserves all basic human rights and dignity irrespective of nationality or any other classification. It outlines fundamental guidelines for justice administration, prohibiting torture, guaranteeing life, and liberty, and prohibiting arbitrary detention or expulsion (Swathy, 2018) ^[19].

A new way of perceiving and understanding criminal behaviours was initiated in many states, although social perceptions toward prisoners have not significantly changed. The public needs to be actively involved to effectively create social awareness and promote crime prevention. To prevent crimes, community involvement is crucial. For which the government should provide appropriate support, financial help, and recognition to nonprofit organizations and individuals working in the field of corrections (West Bengal Correctional Service). Laws, principles, and rules are meant to regulate human conduct and control unlawful actions. The disciplinary measures are necessary for inculcating a good and positive attitude but the humanistic perspective of corrections is more likely to bring long-term behavioral changes.

There is a proverb "*Spare the rod, spoil the child*", that states if children are not punished for misconduct, their personalities may become spoilsports. It is the underlying concept of corporal punishment that the harsher the punishment better the character of the person in the future. Unfortunately, this concept has been accepted and implemented by the criminal justice system for a long period without critically analyzing the causal factors of criminality. Psychologists and other social scientists attempt to discern laws to describe human behaviour. No human is ever born a criminal. No studies and research have established a causal relationship between genetic factors and criminal behaviour. By showing greater humaneness, it is possible to insert remedial scopes into their lives. By being punitive they may again fall into the clutches of organized crimes (Rath *et al*, 2005) ^[13].

This research aims to discuss how social and psychological factors influence criminal behaviour, highlighting the potential of a humane approach for long-term behavioural improvements, and a low rate of recidivism. It analyses the role of government, statutory provisions, and the scope of humanistic approaches, and calls for holistic efforts from government, law enforcement authorities, and society to prevent recidivism and facilitate societal integration of offenders.

3. Literature Review

During British control, Indian revolutionaries were sent to 'Kaala Pani' at Andaman Nicobar Island's Cellular Jail to face cruel barbaric penalties. 'Kaala Pani' essentially signified the

inhumane treatment of convicts taken to these islands to live a 'hell-like life' till death (Sarkar, 2022) ^[14]. It was the worst form of prison treatment involved death sentence, hanging, beating, or starving to death. Later on, such inhuman ways of punishing prisoners were substituted by imprisonment for life, and in post-independence time's prison reformations activities started. Prisoners are also human beings who deserve to be treated humanely.

The Supreme Court of India ruled in a landmark case, D.K. Basu v. State of West Bengal, that prison torture is an open abuse of human rights and dignity. When human dignity is injured, no civilization can progress a step forward instead pulled down backwards (Jaishankar and Halder, 2007) ^[3]. In a seminar held by the National Human Rights Commission along with the National Institute of Criminology and Forensic Sciences in 2000, Justice Verma emphasizes a sensitive approach towards the prisoners of the country. The role of the criminal justice system is to protect the dignity and basic human rights of prisoners, particularly the under-trial prisoners, as many of them are serving prison life under trials without valid reasons. Further, the prison environment should be more reformatory and rehabilitative rather than being retributive and deterrent. Community involvement needs to be encouraged for effective rehabilitation and reformation of prisoners. To bring prison reforms, it is essential to bring necessary changes in other segments of the Criminal Justice System (NHRC, India, 2018).

An individual should obey the law of the land and if commits a crime, then shall be punished by the law. But it does not mean that person should repay unreasonably for the entire life. As rightly quoted by Oscar Wilde, "Every saint has a past and every sinner has a future", every individual deserves a second chance to rectify or modify himself to lead a respectful social life. With recommendations of various prison reform committees, the open-air jail systems were established to transform prisoners into law-abiding and socially desirable human beings to join the mainstream of society (Das, 2017).

One study on the reformation of India's existing criminal justice system with the illustration of various landmark judgments given by the Supreme Court relating to prisoner's rights, prison reformations, and correctional measures recommended by several committees, pointed out overcrowding of under-trial prisoners and problems of women's prisoners. It made a comparative analysis of prison reformations by highlighting some of the important rehabilitation programs adopted in other countries like the Netherlands's electronic monitoring system; Ethiopia's prison project providing microfinance and micro-insurance work; Belgium's e-learning programs for prisoners; Brazil's redemption through the reading program to reduce prison overcrowding; and Norway's restorative justice system, which made it the world's lowest incarceration rate and recidivism rate (Soujanya and Bhatt, 2020) ^[18].

In September 2018, a Supreme Court bench led by Justice M B Lokur heard complaints regarding inhumane circumstances in 1382 prisons throughout the country and formed a committee led by Justice Amitava Roy to investigate different prison-related concerns like overcrowding, human rights violations of prisoners, issues concerning women prisoners suffering in jails for years and suggested appropriate measures to tackle them efficiently (Nair, 2018) ^[8].

4. Objectives

- To analyze various psychosocial dynamics of criminal behaviours.
- To draw attention to the need for a humanistic approach to corrections, which is crucial for long-term behavioural changes in prisoners.
- To discuss the role of the government, law enforcement agencies, and society in addressing the issue.
- To create public awareness about the need for community support in preventing recidivism and facilitating their integration into society.

5. Method

The present study is qualitative research. The researcher used secondary data from various textbooks of psychology and law, journal articles, and reports of various committees of government on prison reformations, and also used online sources to gain better insight into the subject. The study has been carried out by a descriptive analysis of various social, psychological, and other relevant variables relating to criminology. The information gathered to analyze the scope of the humanistic approach in the existing legal provisions and intervention mechanisms relating to prisoner's corrections. The sources of materials referred for the study and the literature review are duly acknowledged in the reference at the end of this paper.

6. Matters

Psycho-Social Dynamics of Criminal Behaviour

A. Criminal Psychology

Psychological analysis is crucial in criminal investigations, detecting crimes, assessing intentions, and false witnesses, and restoring constructive personalities, aiding in determining a criminal's mind, witness credibility, and appropriate punishment. Criminal psychology studies criminal intentions, behaviours, and responses to aid law enforcement in detecting suspects and assisting courts. It helps in figuring out what motivates a person to commit a crime and aids in crime detection and prosecution. Forensic psychologists analyse crime scenes, conduct psychological tests to identify suspects and evaluate suspects' personality, lifestyle, and habits to understand their thought processes. For clinical assessment of criminals' mental states, they often collaborate with mental health professionals. (Das N).

Delinquent behaviour refers to crimes committed by children and teenagers under 18 years old, often characterized by impulsivity, social insensitivity, antisocial and psychopathic personalities, and involvement in illegal drug abuse. It is often linked to broken households, poor parenting, sociopathic parenting, and rejection from parents. Delinquency has always been perceived as a legal and social issue. Currently in all the progressive and civilized countries delinquency is being looked upon as a maladaptive behaviour than a crime. Hence, law enforcement authorities now prioritize rehabilitation over punishment (Mohanty, 1989) ^[5]. Understanding the human psyche, particularly the criminal mind, is challenging due to its dynamic nature and unpredictable behaviour. Many people end up imprisoned without the necessary mens rea, leading to a common perception that everyone in prison is a criminal. However, society assumes that everyone in jail has committed a crime, lowering their social status and defaming their family

(Soujanya and Bhatt, 2020) ^[18].

J.B. Watson argues that the environment significantly influences human personality. Human behaviour is learned, and knowing how learning happens is the key to comprehending the complexities of human behaviour. Human behaviour is supposed to be controlled by environmental factors rather than by hereditary endowments. With a proper environment, anyone can be made a scientist, a criminal, or a philosopher (Myneni, 2015) ^[7]. Nobody is born to commit crimes. Genetic predisposition is merely one essential characteristic of the human being; it is not the only thing that determines a person's temperament and makes them an offender or criminal. If social resistance does not exist, a genetic tendency that is reinforced by society is likely to be replicated. A knife can be used for a variety of tasks, depending on the user's goal and the surroundings. It can be utilised for illegal activity as well as in the operating room and kitchen (Rath, 2005) ^[13].

An individual may act differently in different social circumstances. Watson viewed that what a man today is mostly because of his environment. The development of an unwanted behaviour could be prevented by suitable manipulation of the environment. Similarly, a well-planned environment would ensure the proper shaping of behaviour into desirable and useful forms. Hence he claimed that it is possible to change a child into any one of an endless variety of adult personality (Parameswaran and Veena, 2010) ^[10].

The psychoanalysts while interpreting criminal behaviour, emphasized unconscious motives and repressed mental conflicts (page, 1986). Sigmund Freud's theory suggests that early childhood experiences significantly influence adult personality, with traumatic events in the early years leading to unconscious anxiety in adulthood. He postulates that two dominant impulses, "Eros" (the want for life) and "Thanatos" (the urge for death), influence behaviour, with the destructive impulse known as the "death instinct" causing aggression. He contended that numerous urges that were prohibited or punished during childhood are suppressed at the unconscious level and later impact adult personality, leading to hostile and aggressive behaviour (Mohanty, 1989) ^[5].

A person who is exposed repeatedly to an abusive and exploitative environment is more likely to inculcate a negative behavioural pattern. So an individual faced with a dejected life experience, cannot be held responsible solely for his/her undesirable or unlawful action. A criminal of today may be an abused child of the yesteryears. Unfortunately, it is not possible to prosecute the social or environmental stimuli triggering criminal actions. So it is pertinent to rethink before criminalizing a person in exclusion of the psychosocial environments.

Psychologist William McDougall stated that violent conduct stems from an aggressive impulse and that aggressive behaviour is part of man's fundamental instinctual character. The psychoanalytic theory of Sigmund Freud holds that aggression is a part of instinctual impulses called death instincts. Aggression may be generated from the physical, social, or psychological environment (Mohanty, 1989) ^[5]. On the contrary, the social learning perspective of Bandura proposes that aggressive behaviour is like any other learned behaviour. It is developed by watching others and imitating them. This behaviour is influenced by the rewards and punishments accompanying such acts. Exposure to violent television programs, movies, videos, social media messages, etc. indicates that such things are likely to increase aggression

and violent behaviour by the persons exposed to them (Myneni, 2015) ^[7].

Social psychologists emphasize other factors like group dynamics, likes and dislikes, interests, attitudes, and prejudices to understand the minds of the offenders. Criminal behaviour may be the result of a faulty learning process, emotional turmoil, or group influence. Sometimes people acquire faulty coping mechanisms to stressful situations and fall into an addiction to drugs, alcohol, and other substance abuse, which drive them towards unlawful activities. Psychologists, who believe in the humanistic perspective, view that all people are inherently good. It encourages accepting an individual as a 'whole person' greater than the sum of his parts of behaviour. Human beings possess the unique potential of achieving growth and self-actualization. (Myneni, 2015) ^[7].

In the criminal justice system, the important element is the presence of 'men's rea' i.e. the guilty mind or criminal intention of the accused. But such a guilty mind is one way or the other a reflection of an individual's psychological conflict triggered by environmental stimuli. A positive or humanistic environment can enable an offender to become a responsible citizen of the nation and lead a future life with self-respect instead of guilt and social stigma. So it is very much necessary to take into consideration various psychosocial dynamics before drawing any inference about criminality.

B. Socio-Economic and Educational Background

The Indian Constitution specifies that children under the age of 14 are not permitted to work in dangerous environments. Children above 14 years of age, particularly adolescents and teenagers are vulnerable to harmful environmental factors. A large number of neglected children and adolescents have been facing the challenges of poverty and social inequalities (Sharma, 1999) ^[15].

Unquestionably, human personality is a by-product of society. The development of personality is significantly influenced by situational factors. Due to various social, environmental, and cultural influences, people's personalities vary. Mistrust and pessimism are likely to be developed from a young age as a result of an unfavourable family environment, a lack of affection, and poor parenting practices, and these traits can negatively affect an adult's personality (Mohanty, 1990) ^[6].

Although the government works towards poverty alleviation and developing socio-economic conditions of the public, law enforcement agencies need to understand the socio-economic element is one of the causal factors behind criminality. Human behaviour is magnificently influenced by family background, socioeconomic status, and educational and cultural values of an individual. Nurturing positive social and cultural values is more important than blaming or punishing an offender. Further education is equally important in understanding the pros and cons of unlawful activities. Children and youth of the present digital age are more vulnerable to the criminal world and become drug abusers, peddlers, and traffickers (Rath, 2005) ^[13].

It has been noted that the stability of the social order is a key regulating factor in the prevalence of crime in both prehistoric and modern societies. No community, no matter how stable, is completely free of criminals, but the degree of criminal activity is less prevalent in organized and homogeneous communities than in disorganized, migratory,

and varied population groups. Although social disorder and slum communities do not directly cause crime, they promote it by providing more possibilities for antisocial behavior. Delinquents are more frequently fostered in unstable homes with inadequate parental supervision. Although it is debatable whether poverty and unemployment are the primary causes of crime, it is a common perception that criminality is linked to these two social problems (page, 1986). Thus it is important to understand that criminal behavior is greatly moulded by the socio-economic environment, and there is a need to educate the offenders to alter their thought processes to accumulate more positive and constructive behaviour.

7. Impact of Advanced Technology

Present society faces numerous challenges because of globalization and digitalization, which assist the criminal world but pose a great threat to people's lives. Globalization promotes competitiveness and encourages people to achieve luxuries without performing hard work. Advanced science and technologies adversely make people more susceptible to criminality. Curiosity provokes children to watch pornography and develop pedophilic disorder due to easy access to the internet and also they learn immoral values. Recently the media news terrorized the parents that adolescents and teenagers across the world attempted and also committed suicide due to online suicidal games like 'Blue Whale game', 'The Cutting Challenge', 'Fire Fairy', etc. It was reported that hundreds of teen suicides across the world, mainly in Russia by playing the 'Blue Whale' online game (Zaki, 2018) ^[21]. This dark side of advanced technologies should be seriously addressed to protect children against the criminal world, which encourages psychopathic personalities and facilitates a wider reach of criminal activities. In the digital age, relevant information should reach children to instil positive values in them and make them more responsible law-abiding members of the nation.

8. Role of Government

The state has an important role in ensuring individual development within the framework of the Constitution. Criminal law and criminal process are on the constitution's concurrent list, although the execution of laws is the state government's responsibility. The Government needs to adopt both proactive and reactive measures. Proactive measures to prevent criminal or unlawful actions. It should adopt mechanisms to identify individual differences; handle overcrowding of prisoners; inculcate a humanistic approach in dealings with prisoners; provide counselling and infrastructural support for corrections; maintain harmonious relations with the community, and create community awareness for social acceptance and reintegration of the prisoners.

Following the 1948 Universal Declaration of Human Rights, states were obligated to prevent inhumane treatment, respect basic human rights to life, liberty, and dignity, and prevent arbitrary arrest or detention (Swathy, 2018) ^[19]. Individuals charged with punishable offences are presumed innocent until proven guilty. The Indian Constitution guarantees the right to be free from torture, as guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and has also signed the United Nations Convention against Torture (Jaishankar and Halder,

2007)^[3].

The Indian government is responsible for implementing effective correctional measures through various committees, commissions, and groups, including the Mulla Committee (1980), the committee led by R.K. Kapoor (1986), and the committee led by Justice Krishna Iyer (1987). Committees recommended improvements in prison conditions, prisoners, and personnel, aiming to reform prison administration in India, and for effective rehabilitation of prisoners which is considered a legacy of British rule (Kumar, 2018). The Mulla Commission's recommendations, a significant milestone in the movement for prison reform, are the most comprehensive document on prison reforms in India.

9. Legal Provisions

The Constitution of India lays down several legal provisions for safeguarding the rights of citizens including the prisoners under Article 21, Article 32, and Article 226. Many supportive provisions are enshrined for upholding the rights, liberty, and dignity of the citizens. The criminal justice system now focuses on reform, transforming offenders into lawful citizens through appropriate correctional measures, and shifting from traditional deterrence to a more inclusive approach (Sharma, 2020)^[16]. Correctional institutions are now considered treatment and training centres for both under-trial and convicted prisoners.

In 1957, the Indian Jail Manual Committee developed a model prison manual, establishing the Central Bureau of Correctional Services and a Working Group on Prisons, emphasizing the need for a National Policy on Prisons (Soujanya and Bhatt, 2020)^[18]. Various statutes govern prison administration and management in India, including the Indian Penal Code, Prisons Act, Prisoners Act, Transfer of Prisoners Act, and Model Prison Manual, etc. (Kumar, 2018). The Juvenile Justice Act of 2000 abolished the 1986 Act, and the 2015 Act ensures socially maladjusted and neglected children are cared for, protected, and rehabilitated. It allows offenders to know and assess their abilities, shortcomings, and temperaments to develop a well-balanced and integrated personality in society. The Act introduces many new offenses against minors that were not previously sufficiently addressed by any prison legislation. It also outlines the roles of the Juvenile Justice Board and Child Welfare Committee, and provides timelines for inquiries; special rules for crimes against humanity committed by minors older than sixteen; and the requirement for Child Care Institutions to register, among other things (Press Information Bureau, 2016).

10. Scope of Humanistic Approach for Corrections

Humanistic perspectives view that prisoners like other human beings also possess the right to life with dignity, a minimal level of health, cleanliness, and nourishment, and to be reintegrated into their community. Many prisoners, particularly juveniles have committed offences occasionally or might have committed them accidentally. When such individuals are forced to continue in inhumane situations, it would not be surprising if they turn up as hardened criminals in the future. Law enforcement agencies as well as the community including the parents, the social activists, and the rehabilitation agencies as a whole extend unconditional positive regard, and humaneness towards the prisoners, providing an enabling environment for their reformation and corrections, then there is every chance of changing the so-called offenders into law-abiding citizens of the country

(Rath, 2005)^[13].

Thus the humanistic approach rejects the punitive way of preventing crimes, which may turn out to be more destructive. Rather it emphasizes the prisoners' reformation and social re-integration. Caring for them and developing a positive belief to recover, and rectify themselves are important dimensions in the reformatory and corrective processes. The JJ Act is a welcome step in that direction although it is only limited to juvenile offenders. Some of the adult criminals could have been socially reintegrated, had the JJ Act been enacted and implemented earlier (Rath, 2005)^[13]. Humanistic psychologists believe that every individual possesses a natural inclination to utilize his potential and strive towards achieving personal growth. It emphasizes the distinctive character of a human being, the inner conscience of an individual which guides him to lead a meaningful life. The humanistic perspective focuses not on allowing the past to affect the present but to focus on the future; always trying to promote the strength of a person instead of finding his faults. People wish for other people's approval, including the urge to be liked and the need for warmth, respect, and sympathy. It believes in the promotion of individuals' self-respect and moving towards a purposeful existence in society. Every individual possesses a basic need to utilize his potential to the fullest (Myneni, 2015)^[7].

With appropriate social and community support, it is possible to prevent habitual offenders or criminal recidivism and work for the reformation and reintegration of the offenders into the mainstream. The government and various committees on prisoners' corrections and reformation have been working towards the modernization of the prison system in India. The most vibrant was the Mulla Committee, 1983 (West Bengal Correctional Services).

Correctional facilities, often known as prisons or jails, are no longer just seen as places where people who break the law are kept in custody; they are also used as training and therapy facilities. Over the years, it became clear that not all types of offenders can be properly trained and rehabilitated in prisons. As a result, many non-institutional options for treatment for criminals have been developed, including probation, parole, early release, etc. These are community-based and non-institutional. All of the available treatment options are community-based and non-institutional. The ultimate goal of probation is for offenders to be reintegrated into society and to remove the stigma of conviction (Social Justice Department). The underlying purpose is to transform inhumane circumstances into a more compassionate and well-designed prison system. However, despite all attempts to preserve and promote inmates' rights, Indian prisons have yet to meet those standards in true spirit.

Therefore, while working on effective administration and correctional measures, it is essential to consider various psychosocial and other causal factors associated with criminal behaviors. Simultaneously it is necessary to adopt a more humanistic approach during counseling and guidance to the prisoners in seeking a solution to their personal and community life problems. It will encourage offenders to achieve productive lives, enable them to be reinstated in the community, and contribute towards national development instead of spending the remainder of their lives with helpless and hopeless feelings.

11. Conclusion

The criminal justice system aims to protect society from

crimes, but often overlooks underlying psychosocial and cultural factors. Prisons are integral to legal institutions, protecting society from criminals. Initially, imprisonment aimed to prevent unlawful actions, but now focuses on reformation or correction. Committee recommendations led to changes in prison conditions, including probation, parole, sentence suspension, and open-air prisons, incorporating humanitarian measures. Traditional correction methods in jail can lead to offenders facing real-life challenges post-release, potentially causing recidivism due to stigmatized social perceptions and cynical behaviour, regardless of their crime. Adopting a positive and constructive attitude towards prisoners is challenging for their social reintegration and rehabilitation, as individuals learn moral and immoral values from their socioeconomic, psychological, or cultural environment. The natural inclination of every human being is to fulfil their inner potential. It's crucial to give prisoners a second chance for correction and restoration to normal social life. Effective psychological therapies, casework methods, counselling, and guidance can help. The government, law enforcement agencies, and society must work together to create a positive environment for prisoners post-release, preventing recidivism and facilitating their reintegration into society.

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