

Shift in the role of criminology in criminal law: Reflecting the doctrinal change

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Abstract

Purpose: The study's aim is to assess how criminology's role in criminal law has changed over time. In addition, the author suggested that criminology can be used to test and suggest explanatory theories for criminal law rather than doctrinal shifts.

Research methodology: The authors use literature-based observational analysis to assess how criminology's role in criminal law has evolved. Methodical investigation of logical literature uncovered the shift in the role of criminology in criminal law.

Results: The authors claim that doctrinal changes have shifted perceptions of criminality, but the study's findings suggest otherwise. Doctrine changes mysteriously and without judicial acknowledgement, revealing shifting facts and suggests that the role of criminology in criminal law may be changing.

Limitations: Even after a doctrinal shift, the authors argue, having criminological theories and perspectives helps assign proper rules to criminal law.

Contribution: The study's findings support the often-criticized objectivist view of criminology but disagree on the subjectivist view of doctrine shifts. This study suggests that a new field will emerge that transcends both criminology and criminal laws rather than doctrine changes.

Keywords: *Criminology, Criminal law, Shifting roles, Doctrinal change, Role of criminology*

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1. Introduction

At the dawn of the twenty-first century, criminal law is undergoing significant changes, owing in part to the necessity of adapting to a plural environment, whether societal or technological in nature, with legal ramifications. As a result, it is necessary to make the following observation: strictly legal studies in the field of criminal sciences have everything to gain by collaborating with human-based sciences, the most prominent of which is criminology. Whether or not doctrine shifts in modern criminal law can be consistent with the prospects of crimes and criminality.

The primary focus of criminal law theory is to comprehend how and why criminal law rules develop and exist in the manner that they do today. That understanding enables us to more effectively criticize or support the rules, determine yet if the rules serve their desired purpose, and debate the wisdom of those purposes in an open and honest environment. Furthermore, this study demonstrates how criminology can provide critical information for the development and application of theories of criminal law. The theory is the “bread as well as butter” of any field, including criminology, and it is the foundation of all research. There is a plethora of competing theories that attempt to explain crime and criminality. Although the authors do not observe such theoretical disagreement in more established forms of behavioural science, such as criminology, they do in other forms of behavioural science that are less established. When comparing and contrasting different theories, we must keep certain factors

in mind, such as the predictive accuracy, scope, simplicity, and falsifiability of the theories. They also state that crime and criminality can be discussed at many different levels of criminology (society-wide, subcultural, family-based, or personal level) and that a theory that predicts crime well at one level may not predict crime well at another level (or vice versa). According to the objectivist school of thought on criminal justice, the gravamen of an offence is the objective harm or evil that results from the crime. It is concerned with whether the actor's actions came dangerously close to causing the harm or evil associated with the substantive offence. Because liability is inappropriate in situations where the potential for harm or evil exists only in the performer's mind, as is the case with impossible attempts, a criminal law rule providing a defense for instances of legal impossibility has been established. When an actor believes he or she is trying to commit or partaking in a criminal offence, modern criminal laws, on the other hand, are willing to hold him or her accountable.

This study explains why criminology should be used in the testing of criminal laws, rather than doctrine shifts, in the absence of doctrine shifts. The primary observations, in this case, are referred to as a "literature review" and a "case scenario," respectively. There are no theoretical parts that imply a test subject is taking a subjectivist view of criminality, but there are theoretical parts that indicate a test subject is taking an objectivist view of criminality. Finally, in the concluding discussion of this study, general observations are made about the analytic exercise and the implications of these observations for criminal law restructuring and future criminology research are offered. If one look at the following comparisons, one might notice that they suggest different perspectives on criminalization. In their article, the authors argue that public perceptions of criminality have changed in a way that has resulted in doctrinal change. Although doctrinal shifts may not always serve as foundational assumptions in criminal law, the role of criminology in the justice system can. Even after a doctrinal shift, it is possible that having criminological theories and perspectives for assigning appropriate rules regarding criminal law can be of practical benefit in determining appropriate rules regarding criminal law. As a result, the findings of the study support the subjectivist view of modern criminal law in the context of criminality, but they are in opposition to the objectivist view of criminology. Additionally, this research suggests that criminal law is an outgrowth of criminology and is, therefore, more exhaustive and that a new field will spring up that will encompass both criminology and criminal law.

2. Research methodology

This paper is constructed by the utilizing research technique for systematic analysis of literatures ([Khan, 2021](#)). Methodical investigation of logical literature uncovered the shift in the role of criminology in criminal law. The study has been conducted using qualitative means, as "qualitative research intends to examine and discover issues about the issue available because there is little consideration given to the issue in quantitative research" ([Khan, 2020a](#)). A deductive approach is used in reaching a prior opinion ([Khan, 2020b](#)), by conducting several arguments and discussion. The primary observations, in this case, are referred to as a "literature review" and a "case scenario," respectively.

3. Literature review

Criminology is widely recognized as an interdisciplinary field of study ([Newburn, 2007](#)). Criminology is concerned with the investigation and analysis of crimes and criminals to better understand their motivations and devise strategies for preventing future crimes from taking place. Also included are evaluations of crime patterns as well as the impact of crime on human society. According to [McLaughlin and Newburn \(2010\)](#), they defined criminology as "a field of inquiry in which people from diverse intellectual and scholarly backgrounds engage in research and deliberation," criminologists' theoretical endeavours have been heavily influenced by sociological approaches. While others have noted the relative neglect of psychological theories ([McGuire, 2004](#); [Webber, 2009](#)) and biological factors ([Walsh, 2010](#); [Wright & Boisvert, 2009](#)), we want to call attention to the near-complete absence of evolutionary approaches in criminological theory in this article.

Criminal law is that branch of jurisprudence that deals with the broadly understood large area of "criminal law", which is compared in the classical understanding with the two other large areas of "civil law" and "public law". From a different point of view, one merely contrasts the two large groups of private law or civil law and public law, with criminal law then being added to public law.

Even though both criminology and criminal law are concerned with criminals and crimes, their approaches are rather different. John P. Conrad defines criminology as "the application of logical techniques to clarify the relationships between law-making and law-breaking, as well as the responses of society to these cycles of behaviour" ([Conrad, 1979](#)). Over the past few decades, the area of criminology has demonstrated a strong affinity for humanism, and it has also received inspiration from the ideas and procedures of all social sciences, as well as some natural sciences. Another essential component of criminology is the evaluation of punishment and rehabilitation procedures to determine their success as well as strategies to make them even more effective. While criminology is a tripartite system comprised of lawbreaking, lawmaking, and social reaction, research and theory prioritize law-breaking and preoccupation with the latter has implications for the widely accepted correlation between race and crime: that is, crime is connected to the culture, behaviour, and person of the racial other.

Criminal law is concerned with the criminal code and the laws that are directly related to criminal offences, charges, trials, and punishments for criminals who have been convicted of their crimes. It is the primary goal of criminal law to decide whether or not a suspect violated the law, what the consequences were, and what sanctions they should face if they are found to be guilty. It is the body of law that deals with criminal activity. Behaviour that is threatening, hurtful, or otherwise endangering to other people's property, health, or safety as well as moral well-being is prohibited under the law, which includes one's own. Organizing societies to safeguard individual interests while also ensuring the survival of the collective is accomplished in part through the use of criminal law. On top of that, there are the standards of conduct imposed by family members, schools, and religion; workplace and factory rules; civil-liberties regulations enforced by conventional police powers; and civil-rights consequences available through tort litigation.

4. Case scenario

Numerous shifts from criminology to contemporary criminal law are simply explained as responses to changing circumstances. New offences were created and existing ones were amended to account for new harms. For instance, the majority of contemporary criminal law contains white-collar business crimes and specialized organized crime offences that did not exist in traditional criminal law. Other changes to modern criminal law are merely attempts to clarify and expand the law, as the legality principle requires. Thus, modern laws typically define commonly used criminal terms, limit the number of culpability levels used in the definition of offences, denning each one carefully, and codify a comprehensive set of defences.

For example, On January 30, 2015, Daniel Wichterman died while in the custody of the Philadelphia Police Department. Wichterman allegedly suffered an opioid overdose in a holding cell at the City of Philadelphia Police Detention Unit ("PDU") after being arrested on suspicion of driving under the influence of narcotics. Plaintiff David Wichterman, Jr., the Administrator of the Estate of Daniel Wichterman and his brother, brought this action, asserting a claim under 28 U.S.C. § 1983 against the City of Philadelphia (the "City") and state law negligence claims against Corizon Health and Tairu Wahabu, RN. Presently before the Court is Defendant City of Philadelphia's Fifth Motion in Limine to Preclude Opinions and Conclusions of R. Paul McCauley (Document No. 79, filed Jan. 31, 2020). For the reasons that follow, the Motion is granted in part and denied in part. The City seeks to exclude the expert report and testimony of the plaintiff's police practices expert, R. Paul McCauley under Rule 702. The City filed this Motion in Limine on January 31, 2020. Although not labelled as such, the City's Motion is a Daubert motion because it seeks to exclude the plaintiff's expert testimony based on the expert's qualifications and the relevance of the opinions. The Court denied the defendant City of Philadelphia's Motion for Summary Judgment on this claim on July 16, 2019. The McCauley Report explains that regular checks of inmates' cells are conducted "to make sure the detainees are in their cells, not injured, not engaged in self-harm, not being assaulted and that they are breathing." McCauley Report at 20 ([Wichterman v. City of Philadelphia, 2020](#)).

However, the changes that have piqued the interest of both criminal law theorists and criminologists have been those that imply a doctrinal shift in defining what constitutes a crime, that is, those that imply

that the law's fundamental substance has altered, not only its form or application. However, this is not true in cases of unintended homicide. Thus, in the *Calvelli and Ciglio v. Italy* judgement of 17 January 2002, the Court held that:

Where an infringement of the right to life or personal integrity is not deliberate, the positive obligation imposed by Article 2 to establish an effective judicial system does not always require the provision of a criminal-law remedy. In the specific area of medical negligence, the obligation may also be satisfied if the legal system provides victims with a civil remedy, either alone or in conjunction with a criminal remedy, that enables the establishment of any liability of the doctors involved and any appropriate civil remedy, such as an order for damages and publication of the decision. Disciplinary sanctions may also be considered ([Calvelli and Ciglio v. Italy, 2002](#)).

Criminal Law and criminology have maintained a close relationship since their origins, both disciplines being eminently practical and focused on the study of crime from the individual and social point of view. If criminal law pursues the legislative study and the positive law of crime, criminology complements this analysis of the personality of the victim and offender. In short, criminology and criminal law constitute complementary and necessary disciplines for the comprehensive study of the punishable conduct, the offender, the control of the crime and the victim. Modern criminology must be anchored in an epistemological perspective. This implies that it should not only be concerned with what we should know about criminal activity, as this is always conditioned on what we can know about such a phenomenon in the specific factual situations in which the analysis of the phenomenon that is the object of knowledge is carried out, but also with what should be considered as valid knowledge, the product of said analysis.

5. Shifting Arguments: Reflecting the Doctrinal Change

The study of crime and criminality is approached from a social, psychosocial, and biosocial perspective by experts. The traditional approach taken by criminologists has been to examine only aspects of criminal behaviour that are conducive to their ideological beliefs and to malign those who focus on other aspects of criminal behaviour. Conservatives (who tend to favour explanations of behaviour that focus on the individual) and liberals (who tend to favour explanations of behaviour that focus on the group) have been the main dividing line in criminology (who tend to favour structural or cultural explanations). According to the findings of this study, criminologists' preferred theories of crime were highly correlated with their sociopolitical ideologies. Specifically, what criminal law theorists are looking for is, first and foremost, the identification of a discernible pattern in the changes and, second and most importantly, an explanation for that pattern of change. Such an understanding can aid in the refinement of modern rules and the application of those rules, as well as the initiation of a debate on the appropriateness of the shift away from criminal law rules. To solve this puzzle, we will use the investigative tools of research psychology to our advantage. A theoretical analysis is presented in this article, which suggests that there is a pattern in the rule changes that occur between criminal law and criminology. Using information from existing scholarly literature, it also describes one possible explanation for the shifts in doctrine, which is a shift from the perspective of the "traditionalists" to the perspective of "modernists."

Thus, people will not revisit the conditions required by the text concerning particularly serious crimes punishable by heavy penalties when they are committed against victims who are particularly vulnerable because of their age or circumstances. The gravity of the situations undoubtedly makes it possible to recognize here the necessity of criminal law. Indeed, one cannot criticize the effort of the legislator in the development or improvement of a penal standard aimed at ensuring respect for the law and, in this case, the security of persons. It is on the broad scope of the text that it will be necessary to wonder because it is a question on the one hand of the acts committed which gave rise to a conviction to criminal imprisonment and, on the other hand, of the analysis. prospective of the situation, the risk of recurrence. By devoting preventive detention as a remedy for this possible recurrence, the legislator has chosen a new measure that people are struggling to include in criminal law. Consequently, the legal basis for preventive detention does not lie in the offending behaviour but in the personality of the criminal and, more specifically, in the dangerousness that the latter still presents at the end of the current sentence.

6. Findings

Criminologists are well versed in this distinction, and much integrative theoretical work in criminology focuses on the relationship between macro-level (typically communities and societies) and micro-level (typically individuals and social groups) explanations ([Muftić, 2009](#)).

Agnew's general strain theory incorporates macro-level factors as well, but significantly broadens the scope of strains that may result in criminal and, importantly, places a premium on the psychological impact of strains and their developmental contexts, thus integrating macro and micro-level variables ([Agnew, 2005](#)). A distinguishing feature of contemporary developmental theories is their attempt to expand the range of relevant variables to include biological, psychological, social, and cultural variables ([Agnew, 2006](#); [Farrington, 2010](#); [Moffitt, 1993](#)). There are various fields of criminology, including forensic specialists, psychological experts, handwriting and fingerprint analysis experts, criminal psychology, and many others. During the investigation phase of any crime, professionals from a variety of professions are needed to solve the mystery of the crime and infer the precise clue. During the conduct of a crime, a criminal or accused frequently leaves various clues or cue cards behind him. These signals can only be deciphered by a specific person who is a specialist in that sector. Handwriting and fingerprint experts can quickly determine if specific handwriting belongs to the accused or not. These criminology experts from various strata frequently shorten the time and bring us closer to solving a criminal mystery. Criminal law or the criminal justice system employs conventional procedures that typically revolve around the same axis and generally entail the same theories and systems that have existed since the past. While criminology has evolved and liberated itself from time, it is up to date and works in tandem with the most recent technologies. It has aided in the resolution of numerous well-known cases around the world. Criminology employs a variety of disciplines, including methodologies and techniques established in both natural and social sciences. Many governmental agencies and other law enforcement agencies rely on criminological research for vital data and statistical research to continue their work. The nature and scope of criminological study varied from country to country, as do the laws and procedures that govern it. Official and government reports are the most common sources of criminal data in criminology. Law enforcement authorities acquire this information through various official studies and reports. For example, police collect crime data based on the number of arrests made and the number of cases investigated. Criminology also forecasts a person's future behaviour under specified situations. This sort of criminological analysis is known as 'Prediction Analysis.' Aside from these tools, criminology employs a variety of social and psychological theories to derive criminals' specific behaviours. It is quite beneficial in terms of criminal justice law. These ideas can be used to determine the biological and psychological distinctions of offenders in diverse social contexts, which can help to prevent the cause and rate of crime in the future. Thus, criminology will give a broad explanation of the subject's behaviour before the conduct being carried out, at the time of the incident and even after it has been produced, and with this, it will give a broad and well-founded idea of the previously mentioned circumstances. to verify whether the conduct was done at the will of the active subject and guilt or fraud can be assumed on the part of the active subject when performing the illegal act. Also thanks to the description of the conduct of the active subject, it is possible to know if the person is imputable or not imputable. All the aforementioned are essential when condemning a person to an acquittal or conviction, depending on the judge's criteria. Regarding Criminal Policy, criminology, as a causal-explanatory science, is going to be in charge of giving data on the crime rates of a certain area, temporality or type of crime to those in charge of creating the laws that are aimed at preventing and reprimand criminality. The importance of good laws and plans in matters of public policies or criminal policies is crucial for the prevention of a crime, and these can only be achieved through methodical studies on deviant behaviour, the active subject of the crime, the crime itself and the victims, all this is studied, analyzed and explained through criminology.

7. Outcomes

Criminology, as described numerous times in the preceding essay, is an essential and inseparable aspect of criminal law. It would be practically difficult for law enforcement officials to solve the deep and hidden riddles of crime without criminology. There is no involvement of a single criminological aspect in criminal law; rather, it revolves around criminal law. All of these aspects demonstrate criminology's intrinsic complexity, leading to the conclusion that no one factor can determine individual behaviours

or the core cause of any crime. It is the result of numerous elements interacting in a synchronized fashion.

1. Criminal law deals with criminals, whereas criminology deals with the criminal's psyche and motivations for the crime: Criminal law provides a set of processes for measuring the punishment of a crime by regulating crime. Criminal law is concerned with the crime itself. Criminology examines wrongdoing, the certainty of wrongdoing, and deviances, as well as a wide range of concerns ranging from the concept of a criminal law framework to the role of the media in speaking to and altering wrongdoing. Psychology is concerned with individuals and focuses on the study of the human psyche and behaviour. Criminal law, on the other hand, has made use of criminological examination discoveries. To prompt exploration and instructing duties, criminology training is essential. Criminal law experts must understand criminology; nonetheless, criminal law is characterised by the necessity to understand how the framework functions, how criminal law affects that framework, and how the framework should be directed.

2. Criminal law is concerned with crime statistics, whereas criminology is concerned with criminal proclivity: Criminal law quantifies crime and the amount of crime committed by a perpetrator. Criminology is concerned with the criminal's thoughts and attempts to discover the motives for the crime. In general, criminology analyses three lines of inquiry: first, the nature of criminal law, its administration, and the conditions under which it evolves; second, the causality of crime and the personality of criminals; and third, the management of crime and the rehabilitation of offenders.

3. Criminal law is concerned with criminals and accomplices in a crime, whereas criminology is concerned with the causes that contribute to crime: Criminal law is a well-established legal system that investigates crimes, arrests offenders, detains them, and prosecutes both the guilty and those who continue to commit crimes. Criminology examines the facts of the crime, the circumstances, the location, and the pieces of evidence gathered to connect the culprit. "Basic Criminology" is a hypothetical framework for people who are influenced by fundamental judgements of law, wrongdoing, and equity. This strives to display work created by these gatherings, and the sky is the limit from there, with a focus on shared points of view and goals.

4. Criminal law deals with punishments to reduce crime, whereas criminology deals with crime prevention: Criminal law is constantly concerned with punishment to deter crime. Criminology is important in both the detection and investigation of crimes. There are various fields of criminology, including forensic specialists, psychological experts, handwriting and fingerprint analysis experts, criminal psychology, and many others. During the investigation phase of any crime, professionals from a variety of professions are needed to solve the mystery of the crime and infer the precise clue. In deductive technique, an individual begins with the overall law and applies it to specific instances. Criminal law is the branch of law concerned with the punishment of individuals and entities who violate the law. It addresses activities that are or can be perceived as crimes against the public, society, or state, even if the victim is a private individual. The term state can relate to a specific state's laws in this context, but it is used as a general phrase to designate a government, whether local, state, or federal. In this way, a chronic executioner, who is renowned to remain in zones of solace before venturing further as their emotions of passion and mastery rise, would leave a brand name of their work that genuinely satisfies them.

5. Criminal law deals with the criminal's bodily and mental well-being: Criminology is the psychological study of criminals: Criminal law is the branch of law that governs the discipline of individuals and elements who break the law. It manages behaviours that are or can be interpreted as transgressions against people in general, society, or the state, regardless of whether wrongdoing affects a private individual. In this context, the term state might refer to the laws of a specific state, but it is also used as an umbrella phrase to refer to any administration, whether local, state, or federal. Examples of common wrongdoings that people are accused of in the states include, but are not limited to, murder, assault, robbery, and driving while drunk by liquor and added sedates, including prescription and over-the-counter ones. In most cases, the punishment for a crime is incarceration; however, alternative punishments, such as fines imposed by the court, elicit a variety of emotions. A few offences are also

accompanied by punishments from other agencies, for example, those that grant licences or special status, as well as punishments, for example, increases in protection charges.

Contemplating these simple truths, one forms a happy prognosis on the relationship between law and criminology. The first supports the existence of the second, who should be grateful to him; the law stigmatizes criminals and criminology explains crime in the hope of combating it. Optimistic writers have found clever formulas to seal the necessary union of the two disciplines: their marriage may be reasonable, but it is indissoluble, or else law without criminology has no object and criminology without law has no limit. The disagreement, therefore, has deeper reasons than one should discover in the definition of the two disciplines. But defining them here, in front of your company, presents difficulties of different kinds. Defining the law is the object of your work for a whole year and it is still far from its completion. The difficulty, as far as criminology is concerned, is different and stems from the fact that specialists in the discipline are far from being unanimous on the subject. All in all, jurisprudence, along with theology and medicine, is one of the three time-honoured sciences that are at the centre of the development of modern university thought and the universities themselves, while all the other sciences, which have acquired at least equal, if not much greater, importance today gradually separated from the philosophy that emancipated itself from theology or grew out of the so-called free arts, which were originally used at the early universities as a preparatory preliminary stage for the actual study as a lawyer, theology or could or had to study medicine. From a social-scientific point of view, the three classical disciplines are not called domination sciences for nothing, because they were, so to speak, always conceived with a view to a specific use by the rulers, powers and later the state in addition to their free scientific content.

8. Criminology in Criminal Law: Discussion

The goal of criminology, a complicated and multifaceted field, is to understand the causes of crime and delinquency and, as a result, to assist avoid recidivism and even the initiation of a criminal career in society. Its primary subject of investigation in the criminal justice system. Criminal law establishes the standard for maintaining public order in the face of attacks on social values that are protected by the law within society. It also performs the role of expressing the expressiveness of the aforementioned values. While there are evident convergences between their respective fields of research and their objects of study, the relationships that criminology maintains with criminal law are ambivalent and oscillate between kindness and rejection.

Various approaches are incorporated into the subject of criminology and developed by various scholarly subjects. Because of the rapid pace with which criminal justice is developing, it has recently been a topic of interest for some students and scholars all around the world. It is concerned with the definition of crime, how it is managed, and how it is estimated. Scholars interested in criminal behaviour and criminal law have increasingly attempted to conduct the interdisciplinary study or incorporate the findings of various disciplines on criminality. Both criminology and criminal law have symbiotic links with one another and are strongly reliant on one another. Many components and ideas of criminology are directly considered in criminal investigations and other aspects of criminal law. Criminology examines and investigates the causes of crimes, whereas criminal law puts that idea into practice. As a result, criminology is critical for criminal law since it is an inseparable and unavoidable component of criminal law. Thus, criminology encompasses legislative bodies, law-enforcement agencies (police), judicial institutions (courts), correctional facilities (prisons and reformatories), and educational, private, and public social agencies. Scholars and specialists, however, believe that criminology should investigate how crime is reported to and dealt with by official agencies. It should investigate the evolution and changes in criminal laws concerning social, economic, and political systems, as well as societal ideals in various societies. It should investigate and compare the characteristics of criminals, such as sex, class, marital status, occupation, employment, psychological traits, physique, pathological states of mind and body, and so on, with those of non-criminals. The goal here is to figure out what kinds of people become involved in crime and who doesn't. It should investigate local and regional variations in crime rates, as well as variations in specific crime patterns. It should make an effort to shed light on the elements that contribute to crime and develop causal explanations. It should investigate unique expressions of crime that are distinct from typical crime, such as organised crime, white-collar

crime, and so on. It should investigate the relationship between closely related disorders and crime, including alcoholism, drug misuse, prostitution, gambling, and vagrancy. Most or some of these problems may or may not be defined as crimes in many civilizations, but they are inextricably linked to the crime. It should investigate the efficiency of law enforcement and special laws in crime control. It should investigate the efficacy of deterrent measures such as jail, probation, parole, institutional treatment, and aftercare. It should investigate various attempts and experiments aimed at preventing crime and delinquency. When studying criminology, it is important to note that this discipline is made up of knowledge from a variety of disciplines, including sociology, law, medicine, public administration, social work, religion, and education.

As the author demonstrated in the previous section of the essay, criminal law and criminology both play critical roles in the identification and investigation of crimes, even after any doctrinal shift. Both of them are linked and rely significantly on one another to complete each other's meanings. Some stated concepts are based on studies and statistics obtained by criminologists over a period that provided perspectives better than any reflection of doctrinal development. In truth, criminology has had a significant impact on the criminal justice system. It has played a significant impact in the advancement of numerous criminal law ideas. The goal of criminology is to create universally defined sets of principles and criteria for crimes, crime investigation, criminal treatment, and crime prevention. Criminology is as old as the criminal justice system itself, and it is typically used to challenge the law. Criminology is concerned with legislation and how it is applied, rather than the criminal justice system and other ideas linked to criminal law. It focuses less emphasis on criminal law and justice ideals. The relationship between criminology and criminal law is enigmatic. In general, their functions overlap and eclipse one another.

9. Conclusion

Under today's conditions, the whole of jurisprudence comprises a highly differentiated and at the same time complex structure of sub-disciplines, some of which are completely or at least predominantly characterized by the specific methods of so-called legal dogmatics, which are in the tradition of the humanities, but in some cases also make use of other methods such as these are common in the "factual sciences" or empirical sciences, starting with the partly archival, partly exegetical work with historical documents (legal sources) to social science survey methods (surveys in competition law, e.g. on the risk of confusing products) to file analysis or participating Observation in the courtroom as part of the so-called legal fact research, which in turn is closely related to legal sociology.

There are criminal law questions and aspects of criminal law in almost all sub-disciplines of law. From the basics, reference should be made to legal philosophy, legal ethics and legal theory. Other fundamental questions deal with legal history, others with legal anthropology or legal ethnology and finally comparative law, which can also be used for dogmatic analysis in the narrower sense.

The science of criminal law itself is in turn divided into different sub-areas. In substantive criminal law, it is about the development of the general criminal law doctrine, which is represented in Germany with the so-called "general part" of the criminal law (and in particular the penal code). This includes the doctrines of action, the teachings of the criminal act and the structure of the offence (criminal offence), the teachings of the distinction between completion and attempt, the teaching of participation and the differentiation of punishments and measures. Formal criminal law is divided into judicial constitutional law and criminal procedure law (criminal proceedings). The special subject matter of juvenile criminal law contains a structure of constitutional, criminal procedural and substantive law provisions.

The law of evidence and the practice of evidence lead to practical as well as scientific * criminalistics. It is not far from the doctrine of sanctions and sentencing dogmatics to empirical research on sanctions and sentencing and thus to special areas of criminology. From there, there are many overlaps with the areas of legal fact research and the sociology of criminal law. The basic problems and detailed questions of meaningful criminal law in general and the currently required reform of criminal law lead very quickly from criminal law to the areas of criminal policy and legislative theory.

Criminology is a multidisciplinary science since it uses other branches of knowledge to draw its conclusions; one of the objects of study of criminology is behaviour. Criminal Law will be based on the study and description that criminology grants it, since this (criminal law) is in charge, among many other issues, to study the conduct of the active subject from the typical point of view, considering the circumstances of time, way, place and occasion. This is stated on the basis that criminological science cannot be based on mere speculation, since if it lacked a solid empirical basis it would be almost impossible to arrive at the demonstration of the causal relationships that arise between the different phenomena of the world of being, which this discipline has as object of knowledge. However, the mere empirical analysis is not enough either, since the formulation of descriptive concepts of reality does not help at all if this partial vision of it is not complemented by an analysis that contributes to the change of reality itself, and the world of duty to be.

In this sense, the differences and similarities between different contexts of empirical reality must be identified from a historical perspective, but also an intercultural one. Above all on the basis that for the criminology of the fact it does not matter if the situation is temporary since the interesting thing lies in detaching the premises of the criminal act itself, and on the analysis of the ideological and cultural context in which that event takes place. , go on to formulate valid schemes for its effective prevention; preferably, applicable at all times and places. In conclusion, criminology is decisive both to prevent a crime (criminal policy) and for the correct sentence of a person who has committed a crime (criminal law) and in turn needs both, since it needs to be governed by a legal framework that it will be provided by the other two branches.

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