

نظرية الاختلاط التفاضلي لـ (سذرلاند)، دراسة مقارنة مع الشريعة الإسلامية

Sutherland's differential mixing theory, comparative study with Islamic law

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تاريخ النشر: 2023/01/30

تاريخ القبول: 2022/12/05

تاريخ الاستلام: 2022/10/13

ملخص:

يتناول هذا البحث نظرية من أهم النظريات المفسرة لانتشار الجريمة، وهي نظرية الاختلاط التفاضلي للعالم الشهير سذرلاند، وذلك لمقارنتها بما جاء في الشريعة الإسلامية، وذلك لبيان مواطن الاتفاق والاختلاف بين ما جاء في هذه النظرية، وبين ما جاء في الشريعة الإسلامية، ومن خلال المنهج الوصفي التحليلي، خلص هذا البحث إلى مجموعة من النتائج، كان أهمها: أن غالب ما تحدث عنه هذه النظرية متوافق ومتطابق مع ما جاء في شريعتنا الإسلامية، وأن هناك قصور في بعض الأساسيات والمنطلقات التي وضعتها هذه النظرية، وخصوصاً فيما يتعلق بدور وسائل الاتصال غير المباشرة ودورها في تكوين شخصية المجرم وانتشار الجريمة.

كلمات مفتاحية: علم الجريمة، نظريات الجريمة، المجرم، العقوبات، الإسلام.

Abstract:

This research examines one of the most important theories that explain the spread of crime, namely, the theory of the differential mixing of the world-famous Sutherland, for comparing it with that of the Islamic Shariah, to show where there is agreement and the difference between that theory and that of the Islamic Shariah. Through the analytical descriptive approach, this research has yielded a series of findings. The most important of these has been that the theory is often consistent and in conformity with our Islamic law and that there are shortcomings in some of the basics and starting points of this theory, particularly about the role of indirect means of

communication and its role in the personality of the offender and the spread of crime.

Keywords: Criminology, theories of crime, offender, penalties, Islam.

⁽¹⁾ المؤلف المرسل : اسلام طزازه ،

Introduction

Theories focusing on the phenomena of deviation and crime, as well as how to explain them and the elements that contribute to them, have grown in popularity. The first seeds of literature and interest in understanding variation developed in Britain during the second part of the nineteenth century. Then they expanded to other European countries and America via the classical school pioneers. This school's major focus was on ideas of law and criminal justice, as well as the concepts of pleasure and pain, with little emphasis on examining the perpetrator of the crime and the motivations that motivated him to perpetrate it. This persisted until the early twentieth century. Following that, the positivist school's pioneers' interpretations dominated, and their emphasis was on investigating and analyzing crime from biological and psychological viewpoints, also known as the subjective method. With the rise of the social school, social interpretations of crime and aberrant behavior among individuals and groups gained traction. Theories with a social orientation emphasize social, economic, and environmental variables as impacts on the prevalence of behavioral abnormalities among certain groups (Al-Khatib and Al-Majali, 2022).

Sutherland's Differential Association Theory is one of the most widely recognized concepts for researching and understanding crime. It is regarded as one of the most important sociological techniques for understanding aberrant behavior. This theory views criminal behavior as learned behavior, requiring the criminal to master certain criminal practices that serve as the primary motivator for committing crimes. These criminal strategies are learned through association and communication inside organizations that have tight links among their members and are affected by their orders to do particular behaviors in various situations (Al-Khamshi, 2013).

Since its beginning, Islam has been focused on establishing a coherent and functional society as the foundation for the state's formation. Because a stable nation is built on a solid person, Muslim scholars have created strict guidelines for reforming and refining Muslim community members to guarantee they stay clean and free of crimes and deviations. As Muslims, we accept and profit from all natural and human sciences permitted by our Islamic Sharia. We must investigate all disciplines to determine what is useful and helpful, embracing those components that are consistent with our Sharia and discovering areas of agreement and disagreement between these sciences and our Islamic Sharia.

Thus, this research aims to demonstrate the extent to which the Differential Association Theory aligns with the principles and established rules of Islamic Sharia.

Study Objectives:

-This study aimed to determine the extent to which Sutherland's Differential Association Theory aligns with Islamic Sharia and the extent to which it conflicts with it.

-It also aimed to enrich the Islamic library with content on the subject of criminology in Islam and the compatibility of criminological theories with Islamic Sharia and its principles.

-Additionally, this study provides an Islamic foundation for one of the most important criminological theories, known as the Differential Association Theory, through an Islamic perspective.

Study Problem:

Many theories have focused on studying the phenomenon of crime, its interpretation, and its causes. However, the Islamic library lacks clarity on the stance of Islamic Sharia regarding these theories, showing what aligns with our Islamic Sharia and what conflicts with it. On the other hand, the Islamic library appears to have some shortcomings in interpreting the

phenomenon of crime, and its causes, and explaining how to combat crime and protect individuals and communities from falling into it.

Study Questions:

This study was conducted to answer the following question:

1. To what extent does Sutherland's Differential Association Theory align with Islamic Sharia, and to what extent does it conflict with it?

Study Methodology:

This research is qualitative, and the researcher has adopted the inductive and analytical methods. The study involves the following steps:

1- Inductive Analysis of Sutherland's Differential Association Theory: The researcher will thoroughly examine Sutherland's Differential Association Theory.

2- Inductive Analysis of Islamic Texts: The researcher will then study the Quran and the Hadith to find verses and sayings that discuss the subjects covered by the theory. Relevant verses and Hadith will be categorized and placed appropriately within the research.

3- Analysis of Verses and Hadith: The researcher will analyze the selected verses and Hadith by referring to books of Tafsir (Quranic exegesis) and Hadith commentaries to clarify their meanings.

4- Islamic Foundation and Comparison: The researcher will establish the theory's foundation through verses and Hadith, highlighting the points of agreement and disagreement between what the theory proposes and what is explained in the Quran and Sunnah through the following sections:

First Section: Introduction to Sutherland and Differential Association Theory

Second Section: Differential Association Theory in Comparison with Islamic Sharia

Conclusion: Results and Recommendations

2. Introduction to Sutherland and Differential Association Theory

2.1 Introduction to Sutherland

Edwin H. Sutherland, an American scholar, was born on August 13, 1883, in Nebraska, USA. He graduated from Grand Island College in 1904 and earned his Ph.D. from the University of Chicago in 1913, with a double major in sociology and political economy.

Sutherland taught at several American universities, including the University of Illinois, the University of Chicago, and the University of Minnesota. In 1935, he took a position at Indiana University, where he remained until his death.

In 1924, Sutherland published his renowned book "Principles of Criminology," the first specialized textbook in the field of criminology, which he revised multiple times before his death. In the third edition of "Principles of Criminology" published in 1939, he formulated the Differential Association Theory to explain the phenomenon of crime, which is the focus of this research.

In 1939, Sutherland was elected president of the American Sociological Association, highlighting the prestigious status he achieved due to his contributions.

Sutherland left behind a valuable collection of works that gained significant attention from scholars, particularly in the field of criminology. His most important works include "Criminology" (1924), reprinted as "Principles of Criminology" (1955), "The Professional Thief," "Business Crime," "White Collar Crime" (1949), "Twenty Thousand Homeless Men," "Crime Analysis," "Public Employment Agencies and the Unemployed," and "The Destiny of America."

Edwin H. Sutherland passed away in Bloomington, Indiana, on October 11, 1950. In recognition of his scientific contributions, the American Society of Criminology established an award named in his honor (Bernard, 2023; Lubotzky, 2019)

2.2 Introduction to the Differential Association Theory

The Differential Association Theory, also known as "differential connection" or "differential association," was developed by Edwin H. Sutherland in sociology from the Chicago School. It represents the first

serious attempt to explain criminal behavior by studying behavioral and social variables, individual and group attitudes and orientations, and their relation to violating the law and committing crimes through sociological analysis.

Sutherland's first goal was to investigate crime rates from a social and cultural perspective. However, about 1937, he turned his concentration to criminal behavior research, aiming to explain why and how people acclimated to illegal behavior. In 1939, he wrote "Principles of Criminology," in which he examined socio-psychological issues rather than socio-cultural ones. He created his theory to explain criminal behavior, making it a subset of the broader interpretative theory of behavior (Averdijk, 2020; Schuess, 1973).

The idea of the theory first appeared in Sutherland's criminology books in 1924, but the precise scientific formulation of the Differential Association Theory came in 1939 in the third edition of his book "Criminology." It was presented as a series of interrelated hypotheses, meaning it took fifteen years for the theory to be scientifically formulated. It was initially based on seven assumptions, which Sutherland revised to nine assumptions in the fourth edition of his book in 1947. Since then, his theory has gained a prominent place in criminology, with many studies and books being written about it. One of the main reasons for the theory's longevity is its great ability to explain all types of criminal activity from the perspective of criminologists (Vinney, 2019).

The Differential Association Theory is one of the most famous social theories in criminology, adopting the idea that a person learns criminal behavior through interaction with others. It explains an individual's criminal behavior, implying that a person is part of the group they belong to. The individual adopts the attitudes and behaviors of their group, liking what the group likes and disliking what the group dislikes. Criminal behavior is not an innate or psychological trait a person is born with; it is a learned process acquired through interaction with a criminal environment. The direct determinants of criminal behavior are considered to lie in the situation and the person. The objective situation is important for criminal behavior as it provides the opportunity for this act. The events within the structure of the

person and the situation during the commission of the deviant behavior cannot be separated from past experiences. Delinquent behavior does not occur unless the situation is suitable for it as determined by the person. The theory is also known as differential association because it focuses on the content of the association process between the individual and the group, including the culture and its habits, traditions, and values, which, if not aligned with sound societal rules, lead to deviation (Al-Wreikat, 2013).

3. Differential Association Theory Compared with Islamic Sharia

3.1 Fundamentals of the Theory Compared with Islamic Sharia

The Differential Association Theory focuses on studying the relationship between individuals and groups according to the nature and strength of their bonds and interactions, which lead to learning and performing behaviors observed among them. Sutherland presents his theory as an explanatory model for the process that leads an individual to deviant behavior through fundamental principles (Sutherland, 1939; Matsueda, 2010), such as:

1. All Criminal Behavior is Learned:

According to this idea, criminal behavior is learned rather than inherited. Humans are not fundamentally criminal, and crime is not inherited from parents or ancestors. Criminal behavior is developed and learned in the same manner that one learns a craft or profession. An unskilled individual cannot invent criminal behavior. To understand crime and the behaviors that contribute to it, we must first understand how individuals learn (Averdijk, 2020).

Islamic Sharia asserts that humans are born free from criminal behaviors in their original nature and instinct. Allah Almighty says:

"So direct your face toward the religion, inclining to truth. [Adhere to] the fitrah (natural inclination) of Allah upon which He has created [all] people. No change should there be in the creation of Allah. That is the correct religion, but most of the people do not know" (Surah Ar-Rum, 30:30).

And The Prophet Muhammad (ﷺ) said:

"Every child is born upon the fitrah (natural inclination), but his parents make him a Jew, a Christian, or a Magian, just as an animal produces a perfect young animal: do you see any among them that are mutilated?" Abu Huraira then recited: "The fitrah of Allah upon which He has created [all] people. No change should there be in the creation of Allah" (Sahih al-Bukhari, 1993, Hadith 1292).

Ibn Taymiyyah defined fitrah as:

"The state of being free from false beliefs and the acceptance of true beliefs" (Ibn Taymiyyah, 1995). This definition is considered the most accurate, as fitrah is "the state of being free from false beliefs and the acceptance of true beliefs" (Ibn Abd al-Barr, 2017).

The Hadith explains that what changes this original fitrah is the environment and the surroundings in which a person is raised. The Prophet (ﷺ) said: "His parents make him a Jew, a Christian, or a Magian," indicating that deviation from the natural inclination occurs due to parents, either through teaching or encouragement. Parents are mentioned specifically due to their primary influence, but other factors like friends and the surrounding environment also play a role in learning behaviors (Ibn Hajar al-Asqalani, 1379H).

A human's natural condition is to be oriented towards good deeds, to love goodness, and to strive for it, as shown in their fitrah. Criminal behavior is shaped by the individual's surroundings. Imam Ibn al-Qayyim defined this as follows: "This is the way of the laws brought by the messengers: they command what is good, forbid what is evil, permit what is pure, prohibit what is impure, command justice, and forbid injustice." All of this is buried in the fitrah, and its precise explanation is up to the messengers" (Ibn Qayyim al-Jawziyya, 2019).

Just as criminal behavior is learned, so is virtuous behavior. The Prophet (ﷺ) encouraged the acquisition of good morals, saying: "Fear Allah wherever you are, follow a bad deed with a good one to erase it, and treat people with good behavior" (Jami` at-Tirmidhi). Imam Al-Ghazali said: "Children are a trust given to the parents. Their pure hearts are precious uncarved jewels, ready to accept any engraving and inclined towards whatever they are directed to. If accustomed to goodness and taught it, they

will grow up accordingly and find happiness in this world and the Hereafter, sharing the reward with their parents, teachers, and instructors. If accustomed to evil and neglected like animals, they will be unhappy and perish, and the responsibility will fall on the guardian" (Al-Ghazali, *Ihya' Ulum al-Din*).

Thus, Islam, with its great legislation, establishes preventative measures against crimes before seeking to address them after they occur. This approach ensures that Muslims find multiple barriers against committing crimes within Islamic laws. For example, Islam does not criminalize adultery merely by imposing punishment; rather, it provides several preventative measures to deter Muslims from committing it in the first place, such as commanding modesty, prohibiting indecency, and lowering the gaze. The same applies to other crimes prevalent in societies. Islamic legislation also warns Muslims against adopting criminal behavior, which serves as a more effective deterrent against crime. Allah says:

"O Prophet, fear Allah and do not obey the disbelievers and the hypocrites. Indeed, Allah is ever Knowing and Wise" (Surah Al-Ahzab, 33:1).

Telling someone, "Do not lie" or "Do not oppress" does not carry the same deterrent effect as saying, "Do not obey the liar" or "Do not obey the oppressor." This indicates that morals are acquired through association, as the verse warns the Prophet (ﷺ) against adopting the morals of disbelievers and hypocrites through association with them (Ibn Taymiyyah, 1995).

Hence, Islamic Sharia was ahead in asserting that criminal behavior is acquired and not inherited from parents to children. As for the common belief among people that some prophetic traditions indicate that behaviors and morals are inherited, such as the hadith: "Choose for your offspring the best, for women give birth to their brothers' and sisters' counterparts" (Ibn al-Jawzi, 1981, Hadith 1012), this hadith is fabricated and not authentically attributed to the Prophet (ﷺ). Similarly, the hadith: "Marry into suitable

families, for breeding is a factor" (Ibn al-Jawzi, 1981, Hadith 1015) is very weak.

2-Criminal Behavior is Learned through Interactions with Others via a Process of Communication:

This principle means that an individual's criminal behavior is learned through interactions with their external environment. The external environment, including relatives, neighbors, friends, and others, influences the individual towards either righteousness or crime and corruption (Wickert, 2019).

This principle aligns with Islamic legislation, as an individual's external environment significantly influences their behaviors. This is why there is a divine command to migrate from lands of disobedience to lands of faith. Allah says:

"Indeed, those whom the angels take [in death] while wronging themselves – [the angels] will say, 'In what [condition] were you?' They will say, 'We were oppressed in the land.' The angels will say, 'Was not the earth of Allah spacious [enough] for you to emigrate therein?' For those, their refuge is Hell – and evil it is as a destination" (Surah An-Nisa, 4:97).

The Prophet (ﷺ) said: "I disavow every Muslim who settles among the polytheists." They said: "O Messenger of Allah, why?" He said: "Their fires should not be visible to one another" (Abu Dawood, Sunan, 4/281, Hadith 2645). This is further supported by the hadith about the man who killed ninety-nine people and sought repentance. He consulted the wisest person of his time, who told him: **"Who can come between you and repentance? Leave the evil village you are in and go to such-and-such a good village, and worship your Lord there"** (Ibn Hanbal, 2001, Hadith 11154).

Scholars have outlined the ruling on migration from lands of disobedience to lands of righteousness, which falls into three categories (Ibn Qudamah, 1997):

a. Obligatory Migration: This applies to those who can migrate but cannot openly practice their religion or fulfill its obligations while living among disbelievers. This is obligatory due to Allah's severe warning:

"Indeed, those whom the angels take [in death] while wronging themselves – [the angels] will say, 'In what [condition] were you?' They will say, 'We were oppressed in the land.' The angels will say, 'Was not the earth of Allah spacious [enough] for you to emigrate therein?' For those, their refuge is Hell – and evil it is as a destination" (Surah An-Nisa, 4:97).

b. No Obligation to Migrate: This applies to those who are unable to migrate due to illness, compulsion, or weakness, such as women and children. There is no obligation to migrate, as Allah says:

"Except for the oppressed among men, women, and children who cannot devise a plan nor are they directed to a way" (Surah An-Nisa, 4:98). Migration is not recommended for them, as it is beyond their capacity.

c. Recommended but Not Obligatory Migration: This applies to those who can migrate but are able to openly practice their religion and fulfill its obligations while living among disbelievers. Migration is recommended to enable them to engage in jihad, increase the number of Muslims, assist them, and avoid increasing the number of disbelievers and associating with them, as well as witnessing their sinful behavior. However, it is not obligatory, as they can fulfill their religious duties without migration.

3- The Learning Process of Criminal Behavior in Intimate Personal Groups and Relationships

The majority of learning about criminal behaviour takes place in intimate personal groupings and interactions. This suggests that criminal behaviour is taught directly from the individual's external environment. In other words, indirect modes of communication have a considerably lower

criminal influence than direct engagement between the individual and their immediate external surroundings. Thus, family and friends have the greatest impact on the criminal's life (Wickert, 2019).

Direct touch with one's immediate surroundings has a profound influence on human behavior. As a result, an individual's behavior is formed via interactions with individuals in their surroundings. Those who associate with good people are highly affected towards righteousness, whilst those who interact with corrupt ones are influenced towards corruption.

Islamic Sharia has emphasized the importance of relationships that a person builds in their living environment and their primary role in shaping human behavior and actions. Hence, religious texts clarify the role of family and righteous companionship in shaping an individual's character and determining their behavior.

The family is the fundamental pillar in shaping the individual's personality from a young age and is the main source in determining their inclination towards good or evil. Thus, Allah Almighty has placed the greatest responsibility on the family in determining the direction of each member, whether towards righteousness or corruption. Allah says:

"O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded" (Surah At-Tahrim, 66:6).

This verse indicates that parents must teach their children and family members about religion, goodness, and essential manners (Al-Jassas, 1994). This is further supported by the saying of the Prophet Muhammad (ﷺ): **"Every child is born upon the fitrah (natural inclination), but his parents make him a Jew, a Christian, or a Magian"** (Sahih al-Bukhari, 1993, Hadith 1292).

As the family plays a significant role in shaping a person's behavior, so do their companionship and friends. Allah says:

"Close friends, that Day, will be enemies to each other, except for the righteous" (Surah Az-Zukhruf, 43:67).

This verse explains that friends who engage in sinful acts will be enemies to one another on the Day of Resurrection, except for those who were friends in this world based on piety and righteousness (Al-Tabari, Tafsir al-Tabari).

The Prophet Muhammad (ﷺ) emphasized this principle by saying: **"A person is upon the religion of his close friend, so let one of you look at whom he befriends"** (Ahmad ibn Hanbal, 2001, Hadith 8028). In another narration, he said: **"Do not accompany except a believer and let only a pious person eat your food"** (Abu Dawood, 2009, Hadith 4832).

The Prophet (ﷺ) also said: **"The example of a good companion and a bad companion is like that of the musk carrier and the blacksmith's furnace. The musk carrier will either give you a sample, or you will buy from him, or at least you will smell its pleasant fragrance; as for the blacksmith's furnace, it will either burn your clothes or you will smell its repugnant smell"** (Sahih al-Bukhari, 1993, Hadith 1995).

These hadiths illustrate the virtue of associating with righteous people, as it reminds one of doing good deeds and increasing in righteous actions. This is one of the benefits of meeting and associating with scholars and virtuous people (Ibn Battal, 2003, 4/22).

Just as a person's external environment and living conditions greatly influence their character, an environment rife with crime will significantly shape a criminal's personality, while a righteous environment will similarly shape an individual's righteousness. Hence, the divine command for the righteous to leave corrupt and criminal communities for those of piety and virtue. In a hadith, a man who had killed ninety-nine people sought repentance. He asked about the most knowledgeable person on earth and was directed to a man. He went to him and asked if there was any repentance for him. The man replied, **"After killing ninety-nine people, is**

there any repentance?" The man killed him, completing one hundred murders. He again sought repentance and was directed to a learned man. This time, the man said, "Who can come between you and repentance? Leave this wicked village and go to the righteous village of such and such." So he set out for the righteous village (Ahmad ibn Hanbal, 2001, Hadith 11154).

This story illustrates that the environmental influence is profound. However, Islamic Sharia also recognizes the significant impact of indirect influences on behavior. While direct interaction has a higher impact, indirect influences such as poetry, speeches, and writings historically, and modern media like television, radio, newspapers, magazines, and the internet also play substantial roles in shaping behavior. This will be discussed further in the critiques of this theory.

4- Learning Criminal Behavior Techniques: The process of learning criminal behavior includes:

A. Learning Techniques for Committing Crimes: This involves planning, preparation, and methods of execution. Criminal behavior is not just about imitating other criminals; the criminal must learn the methods and techniques for committing crimes. This concept aligns with Islamic teachings, which prohibit planning and preparing for crimes, such as deceit, trickery, and betrayal, considering them major sins. These actions involve planning to commit crimes. Allah says:

"Whoever desires honor - then to Allah belongs all honor. To Him ascends good speech, and righteous work raises it. But they who plot evil deeds will have a severe punishment, and the plotting of those - it will perish" (Surah Fatir, 35:10).

And He says:

"Due to arrogance in the land and plotting of evil; but the evil plot does not encompass except its people. Then do they await except the way of the former peoples? But you will never find in the way of Allah any

change, and you will never find in the way of Allah any alteration"
(Surah Fatir, 35:43).

The Prophet Muhammad (ﷺ) said:

"Deceit, trickery, and betrayal are in the Fire" (Al-Hakim, 1990, Hadith 8795).

These texts emphasize the prohibition of planning and preparing for crimes and the severe consequences of such actions.

In the Noble Qur'an, Allah provides a real-life example of how criminal techniques are learned, along with planning, preparation, and methods of execution. This is illustrated in the story of Prophet Joseph (Yusuf) with his brothers, who conspired to get rid of him through careful planning and preparation.

Islamic texts also highlight the prohibition of learning anything that leads to criminal behavior, such as the prohibition of learning magic, as stated by Allah:

"And they followed [instead] what the devils had recited during the reign of Solomon. It was not Solomon who disbelieved, but the devils disbelieved, teaching people magic and that which was revealed to the two angels at Babylon, Harut and Marut. But the two angels do not teach anyone unless they say, 'We are a trial, so do not disbelieve [by practicing magic].' And [yet] they learn from them that by which they cause separation between a man and his wife. But they do not harm anyone through it except by permission of Allah. And the people learn what harms them and does not benefit them. But the Children of Israel certainly knew that whoever purchased the magic would not have in the Hereafter any share. And wretched is that for which they sold themselves if they only knew" (Surah Al-Baqarah, 2:102).

Islam also teaches that if a person plans and prepares to commit a crime but then refrains out of fear of Allah's punishment, this can be a means for them to earn reward and forgiveness instead of sin. The Prophet Muhammad (ﷺ) said:

"Allah has written down the good deeds and the bad deeds. Then He explained it [by saying that] whoever intended to perform a good deed but did not do it, then Allah writes it down with Himself as a full good deed, but if he intended it and practiced it, then Allah writes it down with Himself as from ten good deeds to seven hundred times, or many times over. But if he intended to do an evil deed and has not done it, then Allah writes it down with Himself as a full good deed, but if he intended it and has done it, Allah writes it down as one bad deed" (Sahih Bukhari, 6126).

Islam encourages its followers to seek knowledge that benefits both themselves and society. The Prophet Muhammad (ﷺ) said:

"When a man dies, his deeds come to an end except for three things: ongoing charity, knowledge that benefits others, or a righteous child who prays for him" (Sahih Muslim, 1631). Thus, beneficial knowledge continues to benefit its owner even after their death, emphasizing its enduring reward.

Learning Motivations and Rationalizations for Criminal Behavior: Furthermore, studying criminal behavior entails comprehending the motivations that drive people to commit crimes and generating explanations for their activities. This entails learning how to rationalize illegal behavior and the mindsets required to do such acts. Islamic Sharia's View on Rationalizations for Criminal Behavior. According to Islamic Sharia, many people who reject the truth and continue to believe falsehoods frequently manufacture reasons and excuses. The Quran gives instances of explanations criminals use to justify their illegal behavior.

1 -Following Ancestral Practices: Allah says, **"Rather, they say, 'Indeed, we found our fathers upon a community, and indeed, we are guided in their footsteps.'"** (Surah Az-Zukhruf, 43:22)

2. Blindly Following Criminals: Allah says, **"And they will say, 'Our Lord, indeed we obeyed our masters and our dignitaries, and they led us astray from the [right] way.'"** (Surah Al-Ahzab, 33:67)

3. Engaging in Amusement and Play: Allah says, **"And if you ask them, they will surely say, 'We were only conversing and playing.' Say, 'Is it Allah and His verses and His Messenger that you were mocking?'"** (Surah At-Tawbah, 9:65)

4. Claiming Compulsion Allah says, **"Those who associated with Allah will say, 'If Allah had willed, we would not have associated [anything] and neither would our fathers nor would we have prohibited anything.'"** (Surah Al-An'am, 6:148)

5. Being Preoccupied with Life's Affairs: Allah says, **"Some of the Bedouins say, 'We have believed.' Say, 'You have not [yet] believed; but say [instead], 'We have submitted,' for faith has not yet entered your hearts. And if you obey Allah and His Messenger, He will not deprive you of your deeds of anything. Indeed, Allah is Forgiving and Merciful.'"** (Surah Al-Fath, 48:11)

6. Fear of Trials: Allah says, **"And among them are those who say, 'Grant me exemption and do not put me to trial.' Unquestionably, into trial they have fallen. And indeed, Hell will encompass the disbelievers."** (Surah At-Tawbah, 9:49)

These are some of the rationalizations described in the Quran that criminals use to excuse their illegal behavior. The problem isn't only slipping into sins and making mistakes; the worst-case scenario is when offenders continue to commit crimes while fabricating reasons and justifications for their actions. This approach based on Islamic teachings emphasizes accountability, the significance of real repentance, and the avoidance of excusing wrongdoing.

Fabricating justifications for criminal acts can be more harmful to society than the crimes themselves. When someone commits a crime, they may feel regret and guilt, which can lead to self-disapproval and repentance. This remorse often motivates them to abandon criminal behavior and refrain from repeating it. However, when a criminal rationalizes their actions, it leads to self-satisfaction and a continued commitment to criminal acts.

The Prophet Muhammad ﷺ mentioned that those who attempt to justify their criminal deeds are among the most disliked by Allah. He said, **"Indeed, the most hated of men to Allah is the obstinate, quarrelsome person."** (Sahih Bukhari, 2325)

Al-Qurtubi explained that such individuals engage in disputes against the truth, defending themselves with corrupt arguments and misleading justifications. This attitude reflects a deep-seated opposition to the fundamental principles of religion. (Al-Qurtubi, 1996)

Influence of Legal Codes on Criminal Behavior

Understanding reasons and inclinations for criminal behavior is determined by an individual's acceptance of established legal standards in their community. When there is debate within a society over the validity of legal texts, individuals face a cultural conflict about whether these laws are suitable. In essence, an individual's understanding of illegal behavior is determined by their acceptance of current legal laws. One may find themselves in a community where some respect and follow the law, but others do not. This internal struggle influences a person's motivations and objectives. As a result, an individual's decision to commit a crime is heavily influenced by his or her view and belief in the importance of respecting the law. (Averdijk, 2020).

Islamic Sharia acknowledges the perpetual struggle between good and evil within societies and the human soul. The story of the Prophet Muhammad's uncle, Abu Talib, vividly illustrates this conflict between good and evil in both societal and personal contexts. When Abu Talib was on his deathbed, the Prophet Muhammad ﷺ came to him, urging him to declare belief in the oneness of Allah. However, Abu Jahl and Abdullah ibn Abi Umayyah were

also present, urging Abu Talib to cling to the religion of Abdul-Muttalib, refusing to accept Islam despite the Prophet's repeated pleas. Finally, Abu Talib refused to utter the testimony of faith. In response, the Prophet ﷺ expressed deep sorrow but was informed by Allah:

"Allah does not guide those who reject faith." (Qasass, 28:56)

This incident underscores the intense struggle between proponents of good and evil within society and the internal conflict within individuals regarding acceptance of good or evil. Abu Talib's refusal to embrace Islam despite his nephew's earnest calls reflects the dominance of his predisposition towards his ancestral religion, ultimately leading to his death without accepting Islam. (Al-Tabari, Jami' al-Bayan)

The initiation of criminal behavior in individuals often correlates with the prevailing community opinions that either condone or reject adherence to legal norms. When favorable interpretations supporting law-breaking outweigh those promoting legal compliance, individuals may choose a criminal path.

In essence, individuals become criminals when their interactions and associations predominantly involve those who endorse law-breaking over those who advocate legal compliance. The frequency of engagement with peers who exhibit criminal behavior tends to influence an individual's inclination to adopt similar behaviors and tread the criminal path.

Allah, exalted be He, censures those who blindly follow their communities without reflection or critical thought. He states in the Quran:

"And similarly, We sent not a warner before you (O Muhammad) to any town (people) but the luxurious ones among them said: 'We found our fathers following a certain way and indeed we will follow in their footsteps.'" (Al-Zokhrof, 43:23) Similarly, in another verse:

"But they say: 'We found our fathers following a certain way and religion, and we guide ourselves by their footsteps.'" (Al-Zokhrof, 43:22) Furthermore, Allah warns against such blind adherence:

"And when it is said to them, 'Follow what Allah has revealed,' they say, 'Rather, we will follow that which we found our fathers doing.' Even though their fathers understood nothing, nor were they guided?" (Al-Baqara, 2:170)

Islam instructs Muslims to stay away from corrupt cultures where criminal behaviour prevails and to seek out communities where good behaviour is common. In the Hadith of the 99 Murderers, the Prophet ﷺ instructs them to relocate to another location. Not all differential relationships have the same impact. Their affect varies according to their frequency, intensity, priority, and duration:

Frequency and Continuity: Regular interaction and continued association with individuals exhibiting criminal behavior can significantly impact an individual's learning and adoption of criminal behavior.

Priority and Depth: The depth of relationships and the priority given to these associations also play a crucial role in shaping an individual's behavior.

Childhood behaviors often have long-term consequences. Islam emphasizes teaching children beneficial and virtuous behaviors from an early age in order to ensure their lasting influence throughout their lives. As stated in Hadith, Islam requires children to learn to pray from an early age. Islamic teachings also emphasize the importance of associating with criminals over connecting with the good. The Quran and Hadith exhort Muslims to shun the company of evildoers and instead associate with the good. This is emphasized throughout the passage.

"O you who have believed, fear Allah and be with those who are true." (Quran, 9:119) And in the Hadith:

"The example of a good companion and a bad companion is like that of the seller of musk and the blower of the bellows (iron-smith). As for the seller of musk, he will either give you some perfume, or you will buy

some from him, or you will notice a good smell from him. But as for the blower of the bellows (iron smith), he will either burn your clothes or you will notice a bad smell from him." (Sahih al-Bukhari, 2101)

Ibn Hiban also emphasized the wisdom in avoiding doubtful company to prevent becoming suspicious oneself, highlighting how companionship with the righteous fosters goodness, while association with the wicked leads to evil. Islam warns against persisting in sinful behaviors, emphasizing repentance and seeking forgiveness: **"And those who, when they commit an immorality or wrong themselves [by transgression], remember Allah and seek forgiveness for their sins - and who can forgive sins except Allah? - and [who] do not persist in what they have done while they know."** (Quran, 3:135)

Islamic texts also illustrate that habitual criminal behavior becomes ingrained in the perpetrator, as indicated by the Prophet's statement ﷺ:

"Verily, lying leads to wickedness and wickedness leads to the Hellfire. A man continues to tell lies until he is recorded as a liar." (Sahih Muslim, 2607)

Furthermore, Islam imposes stricter penalties on those addicted to sin, such as severe punishment for habitual alcohol consumption, as mentioned in the Hadith: **"No habitual drunkard will enter Paradise." (Sunan Ibn Majah, 3376)**

The process of learning criminal behaviors through interactions with others utilizes the same mechanisms as learning any other behavior:

Listening and Observing: Individuals learn criminal behavior not only through imitation but also by listening to and observing others.

- **Understanding and Practice:** Understanding the rationale behind criminal acts and practicing them reinforces their adoption.

Islam acknowledges that criminal behavior is often learned through both blind imitation and deliberate learning. Many crimes committed stem from associating with criminals and learning from them through interaction.

Islamic teachings strongly caution against associating with criminals, listening to them, and learning from them. Such associations are seen as pathways to adopting criminal behavior. The Prophet ﷺ emphasized the importance of choosing righteous companions over wicked ones, highlighting the profound impact of social interactions on individual conduct.

Theories explaining criminal behavior based solely on generalized needs and values are inadequate because non-criminal behavior can also express similar needs and values:

For example, suggesting that criminals are motivated by financial gain fails to explain why many law-abiding individuals, also motivated by financial needs, do not engage in criminal activities. Financial incentives alone do not universally drive criminal behavior; rather, it is influenced by complex social, psychological, and environmental factors.

In conclusion, Islamic teachings provide comprehensive guidance on avoiding sinful behaviors, understanding their consequences, and choosing righteous companionship to safeguard against adopting criminal behavior.

Islamic jurisprudence recognizes the role of human needs and general values in the occurrence of crimes, but it does not justify committing crimes simply due to individual needs. Therefore, Shariah (Islamic law) has established preventive measures to deter individuals from committing crimes when they feel a need.

Poverty and the need for sustenance can lead to crimes such as theft, while unfulfilled sexual needs may lead to crimes like adultery. The Shariah provides a framework to fulfill these human needs while safeguarding against criminal behavior. For instance, legislating marriage and encouraging it exemplifies how Islam addresses human needs, thereby preventing individuals from falling into the sin of adultery. The Prophet ﷺ said:

"O young people, whoever among you can marry, should marry, because it helps him lower his gaze and guard his modesty, and whoever is not able to marry, should fast, as fasting diminishes his sexual desire." (Sahih Bukhari, 4779)

Islam encourages marriage to protect individuals from falling into adultery, and for those unable to marry, fasting is prescribed as an alternative to prevent committing such sins. Similar principles apply to other crimes rooted in human needs and general values.

Second requirement: Criticisms Directed Towards Differential Association Theory

Since Sutherland proposed his theory, scholars have extensively studied and critiqued it. Some criticisms include:

1. Neglect of Positive Aspects of Association: The theory predominantly focuses on the negative impact of association, neglecting the positive influence of associating with righteous individuals. Just as associating with criminals can lead to criminal behavior, associating with righteous individuals can promote positive behaviors. Islamic texts emphasize the importance of associating with the righteous for personal development and behavioral adjustment.

2. Complexity and Unmeasurable Variables: Critics argue that the theory uses many variables and processes that are challenging to measure scientifically or test experimentally, such as the process of association itself, priority concepts, depth concepts, repetition concepts, and personal relationship concepts. Sutherland attempted to address this critique by stating that his theory does not provide a complete explanation for every aspect of the process of criminal behavior formation through association, as it involves complex psychological and social processes. (Chinar, Boulahbal 2017)

3. Inability to Explain Certain Criminal Behaviors: The theory has been criticized for its inability to explain why some individuals become criminals

first or emotional crimes, crimes committed by individuals unrelated to criminals, or individuals living in criminal environments but not becoming criminals themselves. It also does not adequately consider motivational psychological factors and human will. (Jeffery, 1965)

4. Difficulty in Testing: Sutherland contends that a person becomes a criminal when his sentiments in favor of violating the law surpass those in favor of following it. This makes it difficult to fully assess a person's beliefs throughout his life. (Study Smarter, 2023).

5. Neglect of Indirect Communication Impact: One of the major criticisms is that the theory overlooks the significant impact of indirect communication methods compared to direct contact between an individual and their close external environment.

These criticisms highlight the complex nature of criminal behavior and the challenges in developing comprehensive theories that explain all aspects of criminal conduct effectively. Despite these criticisms, Differential Association Theory remains one of the most influential theories in explaining criminal behavior, having been studied and debated for over half a century.

Islamic teachings have long emphasized the impact of indirect communication methods on shaping human behavior, even without direct contact with criminals. In the Quran, Allah warns against the misuse of these tools for evil purposes, as mentioned in Surah Ash-Shu'ara:

"And the poets - [only] the deviators follow them; Do you not see that in every valley they roam? And that they say what they do not do? Except those [poets] who believe and do righteous deeds and remember Allah often and defend [the Muslims] after they were wronged. And those who have wronged are going to know to what [kind of] return they will be returned." (Quran, 26:224-227)

Islam has focused on utilizing indirect communication methods, such as poetry and oratory, to spread values and correct behaviors in society. The Prophet Muhammad ﷺ recognized the significant role of poets and orators in influencing societal norms and ethical conduct. He praised good poetry,

stating, **"Indeed, there is wisdom in poetry."** (Sahih Bukhari, 5793) Furthermore, the Prophet ﷺ appointed poets like Hassan ibn Thabit, known as the Poet of the Prophet, highlighting their positive role in shaping public opinion and promoting virtuous behavior. Similarly, the Prophet ﷺ emphasized the effectiveness of eloquent speech by orators in spreading virtue. He once remarked, **"Some eloquent speech is like magic."** (Sahih Bukhari, 5434) Thus, recognizing the influential role of oratory in guiding hearts and minds.

Modern means of communication also have a very important role to play in spreading virtue or criminality in societies. Recent studies have shown the role of such means in the fight against crime to a very large extent, apart from the adoption of effective strategies in Tcoin, a public opinion against the Grim (Hamza and Abubakar al-Sadiq, 2022).

Recent studies have emphasized the role of indirect means of communication for criminals. Perhaps the most important of these studies is the Rashad study, where the researcher identified the role of modern means of communication, particularly the Internet, and satellite channels as spreading and marketing terrorist thinking. The researcher concluded that modern media plays a significant role in spreading violence and misconceptions (Rashad, 2019).

Conclusions and Recommendations:

From both Islamic teachings and contemporary studies, several conclusions and recommendations can be drawn:

- Islamic teachings aim to benefit humanity by promoting virtues and preventing harm. Islamic legislation encourages the dissemination of virtue while placing barriers against the spread of crime and vice.
- The majority of findings from Differential Association Theory align with Islamic teachings, except in areas concerning the impact of indirect

communication methods on criminal behavior formation. This underscores Islam's proactive approach to crime prevention and treatment.

- Addressing critiques and conducting further comparative studies between crime theories and Islamic jurisprudence can yield insights to effectively combat crime and promote societal well-being.
- State institutions should collaborate with religious scholars to utilize modern communication tools, such as television and radio, to disseminate Islamic culture and its role in crime prevention effectively.
- Activating youth institutions and clubs that promote sound intellectual and moral development, away from negative influences, is crucial in fostering a crime-free society.

These recommendations highlight the importance of leveraging both traditional Islamic teachings and modern research to tackle contemporary challenges in crime prevention and societal development.

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