

# Criminological Analysis of the Criminal's Personality and Internationalization of Punishment

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**ABSTRACT:** This article describes the personality of the criminal and his relationship with society, the criminogenic process and the absence of inhibition during the perpetration of the criminal act. Crime is perceived as a particularly serious act, which must be sanctioned by society. From a moral and social point of view, the danger of criminal acts is general, but crimes are punished differently by the states of the world; that is why there are certain proposals and conditions regarding the internationalization of the punishment, when the crime was committed. The set of rules, prescriptions and prohibitions that make up the punishment uniform the detention behavior. The absence of inhibition, loss of moral consciousness, detachment from positive social events explain the antisocial behavior of the criminal. In detention, social reform can be achieved by rediscovering the moral function of the convict.

**KEYWORDS:** murderer, moral conscience, inhibition, internationalization of the punishment

## Introduction

Murder is the act by which one person kills another person, being punished with the heaviest punishments. The history of the world has been accompanied since the Bible by fratricide (Cain and Abel) and paricide, such crimes draining humanity of branches destined for human evolution, which could have offered other spirits and other orientations, and man would have managed to identify the complete cycle of the rules of well-being, the process of refinement that accompanied it would have been clearer and more appropriate for the purpose of survival. The whole human thought, being mastered by the considerations of objectification and empowerment of individuals, had close ties with the great personalities, who exceeded the limits of the era and influenced by the ideals pursued the history of social facts. All the circumstances that negatively marked history (wars, epoch-making diseases) never had that dimension that would bring good to the knees, the importance of the new ideals of the crowd showing that they resembled the impulses of divinity. A remarkable factor that sustained human good and survival, as a sine qua non condition was the preservation of the balance between crime and punishment, each nation reaching recommendations as appropriate to its own system of social life. However, after millennia of use of brute force, anger, vehemence, coercion, violation of social norms by the aggressor, only his will was identified, as a conscious orientation to achieve the criminal purpose, as a firm decision to execute the act concrete. In direct contact with the victim, most criminals felt omnipotent, another type of God, since they ignored the rules of real coexistence and the relevance of the fact that life is unique, which is why the controllable or uncontrollable reaction of the criminal. There have always been ideas in the history of crime that criminals claimed to have

acquired the divine right to kill, the right to act of their own free will, and to know the mysteries of divinity found in their spiritual, objective experience in canons in conceiving in a dramatic dimension, violating any kind of inhibition. That is why crime does not impose itself directly as an object of interrogation (how it was possible!), of investigation, of perplexity, because human nature always tends towards palpable things, aimed at saving from a dull existence.

### **Criminal Will**

The perpetrator forms the belief that everything he conceived will be realized and is in favor of his personality, considering as the main part of the criminogenic act the lack of inhibition or the divine sense of interdiction, the wicked act being accompanied by the belief that it is part of human nature, without accepting that it is not part of the cult of divinity. The murderer considers himself skilled and acquires his amazing vitality through the belief that “abstain” and “endures” are permanently found in the mind of the individual, but to prove a certain state of will, which subjugates him, chooses to practice the rule affirmation, coming through the revelation of destroying the opponent. Without acknowledging the imperfections of the will and ignoring human dignity, the murderer adopts the intentional expression of his interests and the autonomy of choice of emotional and execution procedures, to demonstrate the ability to act nonchalantly and dynamically against divine promises, the injustice of his actions indicating indifference to the existence of the victim and the truth. The criminal acts with indifference to the socio-familial significance of the victim, being convinced that his ideal of asserting himself through murder could not be avoided, so that indifference to what will follow will be his preference by inclination, but also a reason for pride. Criminal impulses come from a predisposition opposed to morality; Kant’s phrase that “where the law of morality speaks, there is no longer objectively free choice as to what to do” is mandatory for ordinary behavior (Kant 1999).

### **The concupiscence and inner independence of the murderer**

The predisposition that dominates the murderer during the formation of the homicidal ideation (acting-out), as well as in the moments after the criminal act is the result of a reflection opposite to the behavioral harmony (Costello 2017). The will is subject to the satisfaction of the vocation to predict with veracity the amplitude of the result, which would free the perpetrator from the terrible tension of the destructive drive and the death drive. External acts, objectified in the reactions of the senses, present in their essence the expression of the criminal's freedom, of inner independence, without freeing him from the influence of thought, because instincts (to act, to abstain) are dependent and valued by the laws of reason. When he kills, the individual seems to act as if he had mastered his own laws, accepting himself as the only being who has the criteria that could disrupt the organization of the social world, on the grounds that behavioral norms are not necessary for the state in which they are he finds out, the only principle of coordination of his acts being the removal of any forms of coercion, in order to remain free with his thoughts. The perpetrator becomes obsessed with the idea that remains to be done, which he repeats in order to be integrated into his norm of existence, considering himself above any forces, without knowing that intellectual function and instincts never remain in harmony. The criminal, especially in extreme cases, sometimes gives up attempts to control and torture the victim, moving directly to the commission of the criminal act, to solve certain interests or simply for free, to have fun, without betraying the depth inaccessible of his personality, which may derive from

some genetic predispositions. Original or non-original in *modus operandi*, the murderer became aware of the crossroads of life, suffering a change in terms of acquiring cruel and ruthless traits in the execution of the criminal act, even if he has certain affections towards some people. Appreciating more than would be appropriate (the egocentric side), the murderer accepts the radical change of behavior as a result of the existential crisis he is going through; he considers himself wronged by the socio-familial environment and seems indifferent to punishment. When he does not relate to the world, his active self seems inarticulate, because he tries to maintain himself through a special effort, being convinced that “his affective life even if it is socially unusable” is always individual.

The perpetration of criminal acts indicates, by fulfilling certain conditions, the degree of load of consciousness with an assassination (Kierkegaard 2000, 93), the psychic attributes of the individual describe the individual force, through thought and action processes, and reveal their deficiencies, existential imperfections or need to compensate. The criminal considers himself condemned to bear his psycho-biological features, and to ignore the socio-familial context, which is the evidence of the suppression of social values, without feeling obliged to admit his guilt. The origin of the crime is caused by the social event that influences the reaction and psycho-biological behavior of the perpetrator. Education and culture betray the way of accomplishing the deed and the experience of the criminal personality. The premeditation of the crime shows that the forms of thinking reflect the relationships and interdependence with the state of the senses, modeled in its dual purpose: to support the acts expressed and to bear the consequences of the impulse, as an effect of the ability to clearly express the criminal act by relating to the process of consciousness.

### **Criminal maturity crisis**

Murder is a release for the mature person, who considers himself free from any prohibition, in any circumstance of life. For such an individual, the crime does not become a suffering, but a detachment, an exaltation, in the conditions in which, premeditatedly or spontaneously, based on the absence of the *Supae*, he renounces the moral life. The way of thinking about the crime, or of being subjected to the spontaneous urge to kill, is not based on a superior reflection, but on the ability to save oneself, to respond to an aggression; the perpetrator considers that he has absolute immunity to defend himself, based on false perceptions and privileges; the inner language of thought is sometimes unable to appreciate the correctness of social situations. Overwhelmed with anguish and a sense of loneliness, the murderer chooses to escape the guilt complex by committing the crime and freeing himself completely from the constraints of the moral court (De Greeff 1946).

### **Inhibition**

We wonder why sometimes individuals who reach the brink of despair, without any prior reflection or after provoking some conscience processes, end up committing suicide, and not to kill, considering the crime as sterile, a way of social suicide that only partially solves relations with the world. The abandonment of the act represents the result of inhibition (Freud, 2014), as a state of restraint of the effects of arousals, ability to abstain and control reactions to external stimuli. The criterion for differentiating correct thinking from incorrect thinking is the one related to the practice of human acts, in the sense that a normal thinking possesses the quality of keeping under the influence of truth, being directed in certain forms (same everywhere) and having a constant

applicability. From a psychoanalytic point of view, the inhibition is the censorship and interdiction of the desires of the criminal unconscious (Freud 2010) and is expressed through very varied actions, especially wherever the aggressive conflict occurs, as a prelude to crime or murder. Inhibition is receptive to the social actions of the individual, being influenced by socio-familial stimuli, the distinction between killing and abstaining being the result of the decision of the Ego (Freud 2017), as a result of reflection on the severity of consequences or strategy to adopt caution, and not the destructive drive with tragic consequences.

“An increase in income from legal activities or an increase in law enforcement due to education” will lead to reduced incentives to engage in illegal activities and thus reduce the number of crimes (Becker 1994, 52) crimes against individuals being influenced the instinctual and moral crises, the reduction of punishments or the regime of their execution. “Broadly speaking, crime is an important economic activity or an ‘industry’, although it is almost completely neglected by economists” (Becker 1994, 52). According to official estimates, the direct costs of various crimes consist of expenses incurred by the state with the police, prosecutor’s offices and courts, as well as expenses on measures and projects to combat crime, compensate victims (cover for damages), recover and reintegrate the defendant. In the area of crimes against individuals, there have been concerns about the development of criteria for defining criminal principles, rules and notions and even the adoption of a Criminal Code, applicable in all states that adhere to its rules, but each state has based its rules on its own essential principles, without reaching a common Code. The need to adopt such a Code is justified by the international character that crimes have acquired, in the sense that perceptions, representations, processes of sensory reflection are common to individuals, who have the same criminal concerns in all states. The mentality of criminals is identical, both in the case of the isolated criminal and in the case of criminal groups, interested in live meat, drug trafficking, religious contradictions that are involved, with precise intention, in killing opponents, generalizing criminal acts in several territories states. Instruments for measuring the degree of organization of international criminal activity indicate the size of the solidarity criminal, middle-level groups and elite criminal groups (Becker 1994, 52).

### **Internationalization of punishment**

Punishment is the concrete form of subjective reporting of the gravity of the objective act to the state of danger generated, as an essential value of social conventions. In this sense, the idea of identifying the essential and general features of the crime of murder in almost all states appears to be non-compliant, but the punishment related to such deeds is fundamentally differentiated. Also, the methods of execution of sentences seem radically different, a situation that determines that after committing the crime in one state, the criminal prefers the execution of the sentence in another state. Compared to the essential features of the crime penalty, there is an international orientation to substantiate the content of punishments, which justifies the theoretical and practical uniformity of doctrine, avoiding moral confusion, eliminating considerations of simple opportunity and implicitly standardizing human discipline. This mentality that would determine “*ad captandum*” a judicial egalitarianism “made plain” - on everyone’s understanding, without points of difference, indicates the tendency to globalize crime and implies the need to internationalize punishment. The procedure for establishing criminal acts sanctioned by punishment has a general character, while the punishment has a supra-individual character. Crimes against individuals must have as their equivalent punishments, as a full identity of gravity, separated from the influence of civilization, pragmatism and zonal utilitarianism. Even if the punishments are not

immutable, but are the result of historical characteristics, because they relate to the ideas of a period, the constancy and essence of the structural elements should be identical, clear, to be found by having the same general characteristics and characteristics. By applying the punishment, the criminal must be convinced of the harm done, so that he is forced to justify consciously and subconsciously, that he must pay for what he committed, in order not to want to do such a harm. The execution of the sentence is a specialized activity to determine the reformation of the criminal, as to be convicted means to be alive, but carefully supervised, what matters is to determine, as a particular interest, the state of commitment to exclude the correlation of antisocial acts; through the proposed educational actions, the social skills regarding the conformity of attitudes with the norms of coexistence will be regained. Punishment makes possible the connection between the crime and the trust that society adopts towards the convicted person; having a behavior compatible with the social exigencies, the convict will be considered socially reintegrated, after having paid the victim's death with his own imprisonment. Most contradictions may arise in the procedure and manner of execution of the sentence which relates to the specific organizational difference between the States, as the conditions under which the sentence will be executed must be based on principles and rules which must convince the convicted person, but and the foreign state of which he is a national, within the limits set by EU rules.

### **The dynamics of punishments**

The latest statistics have shown an increase in juvenile delinquency in the last 10-20 years. Not only the number of crimes has increased, but also the nature of crimes has become more complex (Hegheş and Şchiopu 2020). The circular process of crimes (the circle that opens with each crime discovered and each punishment applied) indicates that the criminal act is spreading as social ties of an economic, political, religious nature develop. However, the method of applying punishments must be permanently supplemented, by relating to the traditions of each people, to the differences of culture, to the general human experience and to the historical period.

### **Application of punishment**

The criminal during the investigation learns and seeks to understand the new reality in which he finds himself, as it presents itself, phase by phase, taking into account at all costs the opinion initially formulated; depending on the potential of the will he holds, the perpetrator does not acknowledge his deeds, the negative emotional state challenges the reality of the social situation and the consequences of the dramatic event. Even if the criminal did not have a good opinion of himself before committing the crime, motivating that the family neglected him, that he did not have the opportunity to feel important, that in society he was always wronged, he will claim during the trial the respect indicated by law, so that after the conviction he could be considered a valuable person, because he was feared by the other convicts for the aggressiveness and negative manner adopted. The first three minutes after the final sentence is handed down means confronting the traumatic situation, considered to have the same value as the intervention of a serious illness or mourning. The set of rules, prescriptions and prohibitions that make up the punishment uniform the detention behavior; the permanent process of conscience observes the acts and words expressed, which must not contain serious mistakes, because the convict is indoctrinated with the idea that the fundamental purpose of imprisonment is to not repeat mistakes. In detention, mutual respect and friendship between detainees are not of major significance, the main stake

being the clear proof of regret for the act committed and the reform of thinking and attitudinal progress. This constant is fundamental for the effectiveness of behavioral change, in the sense that the convict's concerns must be positive in order to regain confidence and self-esteem, with the change of social condition. In this sense, the convict will submit to the prison environment, his attitude proving docility, the desire to remove distorted, oppressive influences; now a substantial change of personality can be achieved, which depends on the level of awareness of the criminal act.

## Conclusions

Examining the evolution of the judiciary identifies its temporary dependence on political authority, which is why it was found, in some situations, violation of the right to a fair trial, awareness of such a crisis being identified in trials in which European states were tried by the CEDO.

As individual rights are irreplaceable, justice is involved in *ad literam* research, but also in identifying the real meaning of reason, principles and national rules, sometimes removing or adopting an ambivalent solution, which is claimed to ensure firm compliance with the law.

Jung argues that the Ego and its contents are not identical with the "whole", with individuation in the sense of that process that produces an "individual" (Jung 2014). From the totality of the individual, from the presence of his being (the essential presence as revelation and opening of being - Heidegger 2003) must be part of the unconscious psychic processes. The unconscious criminal reveals to us the psychic process of the Ego when the homicidal ideation transposes the symbolic (acting-out; the symptom, the beginning of the transfer - see Costello, the Pale Murderer) into the will to kill (passage to the act). The criminogenic process must be explained analytically (by analytical Jung means any procedure that faces the existence of the unconscious).

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