

## FORENSIC SOCIOLOGY: CONCEPT AND SCOPE

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Forensic sociology is a new field of applied sociology with its own area of research and close links with customarily distinguished branches of sociology. Following Jan Szczepański, sociology is understood here to mean the study of human collectives, covering phenomena and processes of creating various forms of collective life of people, collective structures, phenomena and processes occurring in collectives as a result of interactions between individuals, collective-gathering and collective-smashing forces, as well as changes and transformations within collectives.<sup>1</sup>

The specificity of forensic sociology is largely due to the specificity of forensics itself. The scope of forensic sociology includes social aspects of forensics or the study of methods for determining a criminal fact and a manner in which crime has been committed, as well as for detecting perpetrators and preventing crimes and other adverse social phenomena.<sup>2</sup>

It is well known that forensics is mostly an applied science, clearly dominated by practical needs. However, forensics is not merely a generalisation of investigative practice as it covers many theoretical issues. These include, for example, certain general trends, such as empirically identified phenomena of an individual nature of human fingerprints, handwriting or voice, that make human identification tests possible. The motive for every intentional crime remains also relevant, allowing directional selection of suspected individuals. Within the focus of forensic sociology, there are also issues, such as statistical analysis, that go beyond strictly psychological problems.

The determination of the subject matter of forensic sociology is necessary for it to be considered a separate discipline of knowledge. It is, therefore, essential to

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<sup>1</sup> J. Szczepański, *Elementarne pojęcia socjologii*, Warszawa 1980, p. 5; see also A. Giddnas, *Socjologia*, Poznań 1998; J. Polakowska-Kujawa, *Socjologia ogólna*, Warszawa 2005.

<sup>2</sup> B. Hołyst, *Kryminalistyka*, Warszawa 2018, p. 43.

distinguish elements within sociology which may be useful for professionals dealing with criminal prosecution or administration of justice, as well as to determine scholarly objectives specific to forensic sociology. These objectives should by no means be isolated from research activities undertaken in related disciplines, such as social psychology. Knowledge gathered within forensic sociology should serve a broader social practice, including efforts of researchers from other disciplinary backgrounds. In the case of forensic sociology, interdisciplinary collaboration is considered extremely desirable.

Defining the specifics of the subject matter of forensic sociology comprises also the analysis of interrelationships among and of separateness of forensic sociology, and other related disciplines. It is sociology of law and justice that has a special place among specific sociological disciplines. The relationship between the aforesaid discipline and forensic sociology is largely dependent on how the scopes of both these branches are understood.

Sociology of law is defined as a branch of sociology that explores the impact of social factors and processes on the formation and formalisation of law, problems pertaining to observance and violations of law, as well as relations developed between legal systems and other spheres of social life.<sup>3</sup>

The relationship between forensic sociology and such branches of sociology as sociology of culture, clinical sociology, sociology of education, as well as sociological theory of humans is essential. It is an attempt to describe and explain the essence of a human being treated as a social personality whose fundamental aspects are shaped through the process of socialisation by an external socio-cultural reality.<sup>4</sup> In terms of its applied aspect, forensic sociology uses sociological knowledge to solve various problems relating to questions such as determination of a criminal fact, or crime detection and prevention methods.

More broadly, forensic sociology includes sociological aspects of crime and a perpetrator, of the enforcement of the penalty of deprivation of liberty, and of criminal and other proceedings. Forensic sociology can be considered a multidisciplinary science in the sense that it uses achievements of other disciplines without integrating or absorbing knowledge acquired within those disciplines. Forensic sociology thus creates general concepts within its basic matter of interest and drives detailed research only into certain areas that are particularly important for it, though not necessarily for other sciences.

The scope of forensics includes issues related to criminal prosecution and crime prevention. In view of these tasks, forensics uses both inductive and deductive methods. Any science, which is understood to mean the sum of experimentally tested information that makes it possible to formulate the subject matter for research

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<sup>3</sup> K. Olechnicki, P. Załęcki, *Słownik socjologiczny*, Toruń 1997; see also J. Grotowska-Leder (ed.), *Nowe aspekty współczesnych problemów społecznych*, Seria Acta Universitatis Lodziensis. Folia Sociologica No. 62, Łódź 2017; A. Śliz, *Wielokulturowość: schemat współczesnego świata? Próba analizy socjologicznej*, Opole 2017.

<sup>4</sup> H. Januszek, J. Sikora, *Podstawy socjologii*, Poznań 2000, p. 33; see also A. Manterys, *Wielość rzeczywistości w teoriach socjologicznych*, Warszawa 1997; R.K. Merton, *Teoria socjologiczna i struktura społeczna*, Warszawa 1982.

and detect laws underpinning certain phenomena, begins with induction yet it cannot end therewith. It would be pointless to create laws from which no deductive conclusions for all phenomena or for a certain group thereof could be drawn. Although things such as criminal methods can be learnt through empirical studies, many assumptions being part of investigative tactics are the result of identified patterns or of a deductive reasoning process.

Progress in technical and natural sciences has a great impact on the development of new research opportunities as far as forensics is concerned. Computers open up prospects for more effective processing of information and reconnaissance service. Although computers are made by electronics engineers, they have to be programmed by forensic experts for investigative uses.

Understood as a scientific discipline, forensics is relatively young. It not only uses cutting-edge methodologies of technical and natural sciences, but also has recourse to expertise in sciences such as psychology and sociology. Strong links between forensics and the above-mentioned sciences foster the trend towards formation of new disciplines bordering on sciences, such as criminal psychology or forensic sociology. Rapid assimilation of scientific achievements for the newly emerging discipline to grow is essential. According to scholars who adopt a sociological approach to the problem of crime, roots of crime can be traced to social factors. Any responsibility for criminal acts, as well as for pathological phenomena, such as domestic violence, is with the society or the social environment of an individual.

In their observations, supporters of the sociological concept go far beyond the sphere of the nearest environment or personality traits of family members of a given individual, trying to find some macro-social patterns. Behaviour types are thus claimed to be primarily determined by culturally defined model attitudes towards violence, as well as by the social structure, system of norms in place in the social environment, and the nature of institutions.<sup>5</sup>

The issue of selecting proper investigative tactics is quite widely addressed by the scholarly literature on the subject. Investigative tactics selection criteria are insufficiently clear. This issue which is crucial from the perspective of both forensic theory and practice is undoubtedly methodological in its nature and should be considered at a methodological level. The investigative methodology is deemed to be a separate problematic area within the investigation process. That area is superior to investigative tactics in the sense that the knowledge contained therein determines the selection of particular investigative tactics as well as all and any consequences of the selection so made. The investigative methodology covers a very wide breadth of general knowledge as well as a system of universal rules and mental operations relating to decision-making. This specific approach to the problematic area within the investigative methodology is close to contemporary views on the subject matter and tasks of forensics. As far as forensic sociology is concerned, these are relationships, interactions and relations between people that constitute the subject matter.

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<sup>5</sup> For more detailed discussion, see B. Hołyst, *Socjologia kryminalistyczna*, Vol. 1, PWN, Warszawa 2007, p. 29.

Forensics is seen as the application of many scientific disciplines in one jointly organized sequence of activities, which follows the principles of proving and is focused on determination of innocence or guilt of the accused. The investigative methodology of any investigation would thus include general and expert knowledge on the basis of which appropriate decisions as to the selection of optimal investigative tactics would be made.

The knowledge necessary to make right choices should include a wide range of information also from forensic sociology. In addition, data from fields such as psychology, victimology, symptomatology and etiology of crime are very important in this context. Within the investigative methodology, an essential role is played by decision-making that manifests itself in practical selection of optimal investigative tactics. Decision-making consists in choosing a specific type of action from a set of possible actions.<sup>6</sup>

Given our focus on the investigative methodology, consideration of an activity, whereby a risky decision is taken, i.e. a decision which entails uncertainty as to the achievability of desired outcome, is particularly important. Decisions taken in the presence of risks are determined by usefulness of the outcome and by subjective likelihood of the desired outcome. In any risk situation, there are two or more risk actions that can be chosen. Each of them produces several results, whose usefulness and subjective likelihood are precisely determined.

Risk assessment in any specific situation also depends on contextual social factors, the behaviour of members of various social groups, including the largest ones, as well as on behaviour of individuals. The issue of social relations concerns mechanisms and dynamics of various social relations and covers such specific aspects as: determinants and mechanisms of liking and disliking other people, determinants of prosocial and egoistic behaviour, and conduct in conflict situations.<sup>7</sup>

The specific nature of the subject matter and methods of forensic sociology seem to be an extremely complex problem to which an unambiguous solution, which would be widely accepted by all authors, cannot be easily found. This issue is associated with more general doubts as to whether the division of sociology into theoretical sociology and applied sociology is reasonable at all. Applied sociology is sometimes referred to as sociotechnics or social engineering. On the one hand, it is a theoretical discipline dealing with the analysis of and research into various types of social behaviour; on the other hand, it covers all conscious, individual or group applications of scientific knowledge, including specifically sociological and psychological knowledge, to achieve an intended transformation of the reality or desired behaviour of a group or an individual.<sup>8</sup>

As far as forensic sociology is concerned, it is noted that psychological factors, despite being autonomous, should be considered in a context of a particular situation. This context, however, is determined by institutional factors that are always

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<sup>6</sup> H. Sęk, *Psychologia kliniczna*, [in:] W. Szewczuk (ed.), *Encyklopedia psychologii*, Warszawa 1998, p. 561.

<sup>7</sup> R.B. Felson, J. Tedeschi, *Aggression and Violence. Social Interactionist Perspectives*, Washington 1995, p. 25.

<sup>8</sup> K. Olechnicki, P. Załęcki, *Słownik*, *op. cit.*, p. 196.

embedded in a broader social system and in a sense constitute an exponent of such system. However, this does not mean that no problems or patterns exist that are general enough to make their content truly independent of the broad and narrow social context. However, there are psychological processes and phenomena that are closely related to the social context and cannot be explained without it.

To understand the subject matter of forensic sociology, consideration must be given to fundamental assumptions made in sociology itself. Sociology assumes that humans are part of nature and conditions they live in impact the organization of human collectives. Sociology does not try to explain the impact of nature as no sociologist has sufficient competence with this very type of research that is a focus of natural sciences. And the question about reasons why human collectives are formed continues to remain valid. An important role is played by the concept of a social bond, i.e. those ties between individuals that cause people to live in collectives, in groups or in larger teams, such as territorial collectives, in large religious groups and other groups. The concept of the social bond allows one to look for an answer to the question of how society as a team of people differs from the plain sum of individuals. Sociology seeks to define the subject matter of its research, which would be clearly different from studying human individuals.

Spatial contact, i.e. contact between specific people in a specific space, is crucial. The problem is how this space should be defined as this is social space and, as such, it is not purely physical. Given contemporary possibilities of communication among people, the concept of social space is significantly expanding to an extent that is often very difficult to define precisely. Interactions taking place in this space are, on the one hand, very specific or "face to face", e.g. regularly, in the morning, on one's way to work, or in a large office building with the same people in the lift. On the other hand, what one deals with are interactions that arise during internet communication with a specific group of people who live even in distant countries. As the possibilities for free remote communication are increasing, interactions can occur among people who live far away from each other. Not every physical contact of at least two people in a space is already an initial stage of a social bond formation process.

Mental contact is a social phenomenon that can result from spatial contact, in which people or larger groups of people establish emotional relationships with each other. Of course, it is by no means easy to clearly define the content and intensity of these relationships. They may as well relate to a person himself or herself as well as to some of his/her non-personal traits, e.g. a dress type or a cultural feature, or merely a social position. The most important thing is, however, that such a trait gives rise to emotions that result from contact, and that either these emotions keep repeating or particular individuals seek to make them repeat. As a result of spatial and mental contact, particular individuals clearly stand out, repeat and strive to consolidate interactions. And that is when the interactions get institutionalised or social norms are formed that transform that contact into lasting social relations. As effects of various activities overlap, a social bond is created, from which a structure can be formed that becomes part of what is called a civil society.

It is in social interactions that sometimes purely personal aspects prevail, emotions are mutual, and a desire to continue contact just for emotional reasons is

built. It is typical of a social group or a group of friends that these interactions are repeated.

Therefore, on the one hand, there are bonds, which, leading to institutionalisation, ultimately require rational goal setting for a joint activity, a specific division of roles, and a division of tasks. On the other hand, however, a collective does not have to set any specific goal, formalise itself or divide social roles. This differentiation between ties is accepted in sociology and forms the basis for the division of human collectives into communities and societies.

Through technical progress and easy remote communication, the modern world becomes open to extensive contacts. Globalisation is a fact that results from economic, political and technical changes that facilitate interpersonal contacts. One should be aware that this is an ongoing process that cannot be stopped. In this situation, an increase in indirect contacts, which will occur indirectly through technical measures, is to be expected. It is likely that a very large portion of these spatial interactions will not lead to any further stage of a bond formation process. So one would wonder what the society will be like in the future, as it will have such a large number of spatial contacts that do not lead to mental interactions. Perhaps it will turn out that these mental contacts will appear after some time, taking a new form. Another thing is concern that bonds will be fading and that human life, especially in large cities, will be like life of an individual in a crowd. Currently, the anonymity in life has increased in large cities but, at the same time, the role of contacts and, subsequently, of local ties have increased.

People live in organized collectives, connected by various forms of social bonds. Although having a very different nature, such an organisation always, although in a very different proportion in different collectives, consists of social bonds, social norms, social institutions, and social control. It is the functioning of social values, which are sometimes consciously chosen and accepted by people but sometimes remain subconscious, that underlies all these factors. This creates a social order or a system in which there are regulators of human behaviour that give a sense of security to both an individual and collectives.

The concept of social norms is important for the analysis of social phenomena that is carried out also as part of forensic sociology. Among many different types of norms that make up the organization of social life, the legal norms play a particularly important role, however, these norms are neither the only nor the most important ones in all life situations.<sup>9</sup>

As indicated by the author cited above, there is a great variety of social norms and these have various origin. Having a supra-individual nature, norms organise interpersonal interactions in relation to the behavioural patterns contained therein. This is how norms impact interactions that later form bonds. The bonds impact norms as they strengthen them by confirming their validity through their observance. This is the case for societies in which newly emerging social bonds are built

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<sup>9</sup> J. Wódcz, *Socjologia dla prawników i politologów*, Warszawa 2000; see also F. Znebejáněk, *Sociologie konfliktu*, Sociologické Nakladatelství (SLON), Praha 2015, p. 172.

on the basis of interactions that occur in an internally organized collective. Interactions are rarely the case for totally chaotic collectives that lack any norms.

Sociology distinguishes many types of norms, e.g. social, customary, aesthetic, religious and other. Three fundamental types of norms that indicate model behaviour types, i.e. legal, religious and moral norms, are very often identical or very similar in terms of fundamental basic model behaviour. This is what happens when one talks about models contained in the Decalogue, as well as criminal law or fundamental moral norms, such as “thou shalt not steal”, “thou shalt not kill”, “thou shalt not commit adultery”, etc. It is thus obvious that these norms strengthen each other, and their differentiation most often results from to the primary source of their validity, sometimes also from their structure or sanctions they refer to. Certainly, there are also very significant differences between legal, religious and moral norms that can lead to serious social conflicts, e.g. conflicts over the right to terminate pregnancy.

Norms constitute an important factor in social order that is built on the basis of social bonds. However, social institutions are also necessary to ensure such order as bonds would last for less time and norms could not function efficiently without social institutions. As pointed out by Jacek Wódz, the term “social institution” is not totally unambiguous in sociology.

A normally functioning society requires social control as periods of rapid social changes or conflict make it clear. During such periods, social control becomes considerably weaker and social chaos takes its place with no proper sanctions for any violation of norms. From the perspective of an average person, security becomes threatened on a permanent basis, while from the perspective of a collective, disorganization occurs. Noticeable lack of social control offers an opportunity to actualise positive effects of the proper operation of social control.

From the perspective of forensic sociology, the issues of social thinking, social impact and social relations are those particularly important problem categories.<sup>10</sup> All these are relevant because of cognitive and application-related dimensions of forensic sociology. Social thinking involves perception and interpretation of one's own behaviour as well as the behaviour of other people in social situations. A social impact includes issues relating to the manner in which pressure exerted by a group can affect an individual's behaviour and vice versa, i.e. how and to what extent an individual can influence his/her social environment.

According to forensic sociology, it is extremely important that if certain behaviour, especially that of smaller groups of people, can be the subject of comprehensive observational judgments, then properties that are attributed to social phenomena and the meaning that is attributed to names for those phenomena – irrespective of a level at which these phenomena occur – are almost always defined by reference to certain human traits and behaviour types. This is due to the fact that one wants to not only observe but also understand social phenomena, and this means making reference to what is happening at the level of a collective, as well as to experiences

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<sup>10</sup> N. Goodman, *Wstęp do socjologii*, Poznań 1999, pp. 68–69; see also H. Januszek, J. Sikora, *Podstawy socjologii, op. cit.*, p. 33.

and behaviour of particular people. By saying, for example, that “a criminal group is desperate”, a certain state is defined and attributed to the group, which state is described by reference to the condition of its members.

In forensic sociology, the problem of understanding people, their conditions, behaviour or situations faced by them consists in attributing a specific set of psychological experiences and attitudes to a particular individual; the experiences and attitudes make up such individual's psychological attributes or are components of his/her action or situation that is subjectively defined. However, the scope of this approach may be extended to include almost all areas of sociological reflection as the vast majority of social phenomena, including those occurring at the level of human groups and collectives, are more or less involved in human behaviour and related traits and psychological experiences of people who are actors in these events. Certain attributes of any person, both externally observable and mental, can be included in the description of the relative attributes of other people who are somehow related with such person. When a criminal is said to have high prestige, it means that other criminals value him/her.

In forensic sociology, special importance is attached to types of human relative traits. One of the types consists in being entangled in specific relations, such as social ones. Understanding the essence of any attribute assigned to a person is tantamount to understanding experiences and firm attitudes not only of such person, but also of other people with whom such person comes into contact or interacts socially. Human experiences, including specifically certain permanent mental attitudes that people have towards each other, are entangled in specific ways in which human groups and collectives operate. Many traits of human collectives and social systems actually consist in specific configurations of their members' mental traits or certain behaviour types.

A statement that, for example, a certain criminal group is integrated equals a statement that members of the group like or value each other very much, and are less friendly towards people outside their group. When one says that there is a certain system of values within a group, one means that members of the group value phenomena in a specific way. Particular configurations of human mental attitudes also co-define the nature of social relations connecting members of groups or of larger collectives.

Sociological forensics is a form of practical application of sociology and, as such, is expected to resolve a certain category of social problems. It is very important for an investigator to use sociological knowledge at the initial stage of any investigation. However, an optimal situation would be to use sociological knowledge in forensics to the maximum possible extent at all stages of the investigation.

In forensic sociology, phenomena observed in social life are analysed, including specifically phenomena which are social problems that underlie social pathologies, and social pathology itself in its various forms. Among the first category of factors, unemployment is noteworthy. As a social problem, unemployment takes several forms, such as youth unemployment, female unemployment, unemployment resulting from reorganisation of old industries, and rural unemployment. From the perspective of forensic sociology, the phenomenon of youth unemployment is of particular importance.



There is regionalisation of unemployment in Poland, i.e. particular forms of unemployment are concentrated in specific regions, cities or communities that have their social characteristics.<sup>11</sup> In Poland, unemployment in some regions is just a part of a wider phenomenon marked by the feeling that certain regions or agglomerations offer no social development prospects. Thus, what one observes is not only the regional or subregional concentration of unemployment, but a set of social phenomena with unemployment adding to the existing social problems.

Discrimination against minorities is a social phenomenon that is important from the perspective of forensic sociology. In societies in which the majority imposes certain solutions that are considered to be the only ones that are available, collectives or groups are formed that cannot achieve all of their life ambitions. In sociological terms, the most important feature of minorities is the fact that they are clearly a group that is socially discriminated against. In a sense, this problem is similar to exclusion. In the case of exclusion, deprivation of opportunities occurs due to systemic reasons, while in the case of discrimination, the same is due to social practices which largely rely on a system of values and norms.

Scientific research based on knowledge in the field of forensic sociology concerns in particular: development of crime-preventing planning systems, planning framework for preventive activities, and planning as a strategic instrument for operative combating crime. Planning is required for the police activities, including in particular aspects such as personnel (e.g. further education), finance (planning independent of a programme), tangibles (e.g. creation of a laboratory to combat computer-oriented crime), etc.

For a long time now, forensic practice has been described by resorting to what is called perseveration hypothesis (repetitive model of criminal activity), adopted on the basis of filed data when searching for perpetrators and examining crimes. All existing variants of the criminal police information service are based on this hypothesis. For years, however, there have been doubts about the relevance of the perseveration theory. In verifying the said hypothesis, the following two concepts can serve as a starting point: examination of the perseveration theory as such, subject to appropriate practical operationalisation, and examination of the perseveration theory with the view to its use in the criminal police information service. Only with the first option, reliable information required to plan information services can be gathered. It has been established on the basis of the current state of affairs that, so far, the criminal police information services have been insufficiently used for strategic purposes (e.g. to investigate internet crime and a structure of circumstances of an act).

As an instrument of strategic and operational fight against crime, planning consists of the following phases: obtaining information, seeking and choosing implementation options, evaluation, and control. Target planning to prevent crime is a task to be completed by the police. The police planning is always included in global target structures of a criminal policy. Prevention bodies are largely focused on active collection of information that can be helpful in preventive planning. Sci-

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<sup>11</sup> J. Wódz, *Socjologia dla prawników*, *op. cit.*

entifically preserved questionnaires completed by perpetrators could significantly increase the knowledge and experience of the police and judicial authorities.<sup>12</sup> Forecasts based on a scientific basis, including forensic sociology data, contribute to a reasonable, strategic criminal policy. New programmes and projects provide an alternative to traditional response patterns. Combined with scarce resources, statutory conditional programmes hinder the development of innovative crime-prevention concepts. Domestic and foreign ideas as well as scientific and technical programmes would also help the police.

Being neglected in practice for various reasons, a systematic evaluation of programmes and catalogues of projects and measures (e.g. those regarding the fight against terrorism) constitutes a problem. In addition to auditing prerequisites for any police action, audits of complex systems for combating drug-related crime are of particular importance. In practice, effectiveness of the police is usually measured using statistical data (cases, perpetrators, quantities of seized drugs, etc.). Studies show, however, that as few as 3-5% of cases known to the police have been detected solely through its forensic efforts. For this reason alone, a detection rate cannot be a reliable indicator of the effectiveness of law enforcement agencies.

As a matter of principle, it is fear of crime that should be taken into account by prevention programmes. Fear, including particularly local fear of victimisation, is a phenomenon that worsens the quality of life more than real threats do. Fear leads to isolation of citizens, restricts movements in time and space, especially among older people. Despite a difficult starting point, communes should create and test such prevention programmes as part of their reasonable communal criminal policy. Any preventive programme for a built-up housing estate should take into account potential victims and their environment. The goal of the programme should be both quantitative and qualitative reduction of crime and related fear of victimisation, and public satisfaction with the police work as well as mutual trust, which all can guarantee public safety and order. Relevant projects may include without limitation any improvement of street lighting and all and any other investment to reduce the opportunity for crime to occur.

Given the analysis above, I suggest that forensic sociology should be defined to mean a science exploring social aspects of activities relating to: establishment of a criminal fact and a manner in which the crime has been committed, detection of perpetrators, and prevention of crime and other pathological phenomena that condition criminal behaviour, either directly or indirectly.

To make it possible for self-defence against a criminal to be used, as well as to discourage potential offenders from committing any criminal act, a certain amount of relevant knowledge should be made available to the public. Thus, it is crime prevention that also remains the focus for forensic sociology.

Dissemination of knowledge in sociology among employees of the police bodies, prosecutors, judges and attorneys-at-law is one of important determinants of effective criminal prosecution and execution of judiciary tasks. The current level of awareness of even the basic aspects of forensic sociology is still insufficient among

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<sup>12</sup> E. Kube, *Systemowe zapobieganie przestępczości*, Warszawa 1992, p. 17.

lawyers. Having just basic knowledge in the field at issue, lawyers are totally dependent upon expert opinions. And the point is not that a lawyer should replace an expert sociologist but that a lawyer should be able to properly use any material prepared by experts and to appropriately assess evidentiary value thereof.

Police officers, including specifically those of criminal investigation departments and criminal service, should have the broadest knowledge related to forensic sociology. For judges, prosecutors, attorneys-at-law, general competence may be sufficient, while the police officers need detailed knowledge, including that specifically applicative. The education system for police forces should, therefore, be particularly focused on passing on the knowledge and training in forensic sociology skills.

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### Summary

The specificity of forensic sociology is largely due to the specificity of forensics itself. Determination of the subject matter of forensic sociology is necessary for it to be treated as a separate discipline of knowledge. To this end, these elements of sociology that may be useful for professionals dealing with criminal prosecution or administration of justice must be identified, and scholarly objectives specific to forensic sociology must be set. Defining the specifics of the subject matter of forensic sociology includes also the analysis of interrelations and separateness of the discipline at issue and of other related disciplines. Sociology of law

and justice has a special place among particular sociological disciplines. The relationship between forensic sociology and the said discipline largely depends on how the scope of both these fields are understood. More broadly, forensic sociology includes sociological aspects of crime and a perpetrator, of the enforcement of the penalty of deprivation of liberty, and of criminal and other proceedings. Forensic sociology can be considered multidisciplinary science in the sense that it uses achievements of other disciplines without integrating or absorbing the knowledge acquired within them. Forensic sociology thus creates general concepts as part of its basic matter of interest and inspires detailed research only into certain areas that are particularly important for it, though not necessarily for other sciences.

Keywords: sociology, forensics, spatial and mental contact, social interactions

## POJĘCIE I ZAKRES SOCJOLOGII KRYMINALISTYCZNEJ

### Streszczenie

Specyfika socjologii kryminalistycznej wynika w znacznej mierze ze specyfiki samej kryminalistyki. Wyznaczenie zakresu przedmiotowego socjologii kryminalistycznej jest niezbędne dla traktowania jej jako odrębnej dyscypliny wiedzy. W tym celu konieczne jest wyodrębnienie w ramach socjologii tego, co może być przydatne w zawodach związanych ze ściganiem karnym oraz z wymiarem sprawiedliwości, a także określenie specyficznych dla socjologii kryminalistycznej celów poznawczych. Wyznaczenie specyfiki przedmiotu socjologii kryminalistycznej obejmuje również analizy wzajemnych związków i odrębności omawianej dyscypliny oraz innych, pokrewnych dyscyplin. Wśród szczegółowych dyscyplin socjologicznych szczególne miejsce zajmuje socjologia prawa i wymiaru sprawiedliwości. Relacja pomiędzy socjologią kryminalistyczną a tą dyscypliną będzie w znacznym stopniu zależała właśnie od tego, jak będzie się ujmowało zakresy obu tych dziedzin. W szerokim ujęciu w obrębie socjologii kryminalistycznej można zlokalizować problematykę socjologiczną przestępstwa i przestępcy, wykonania kary pozbawienia wolności, postępowania karnego i innych postępowañ. Można stwierdzić, iż socjologia kryminalistyczna jest nauką multidyscyplinarną w tym sensie, że korzysta z dorobku innych dyscyplin nauki, nie integrując ani nie wchłaniając zdobytej w ich obrębie wiedzy. Tak więc nauka ta tworzy ogólne koncepcje w zakresie podstawowego przedmiotu swoich zainteresowań oraz stymuluje badania szczegółowe tylko w pewnych obszarach, które dla kryminalistyki są szczególnie ważne, chociaż niekoniecznie istotne dla innych nauk.

Słowa kluczowe: socjologia, kryminalistyka, styczeńność przestrzenna i psychiczna, interakcje społeczne

## EL CONCEPTO Y ALCANCE DE LA SOCIOLOGÍA CRIMINAL

### Resumen

La específica de la sociología criminal resulta en gran parte de la específica de la criminológica en sí. La determinación de ámbito objetivo de la sociología criminal es imprescindible para considerarla como disciplina separada. Por lo tanto, hay que escoger de la sociología

los elementos que puedan ser útiles en las profesiones relacionadas con la persecución penal y administración de justicia, así como determinar fines específicos de la sociología criminal. La determinación de la específica de objeto de sociología criminal comprende también el análisis de relaciones mutuas y diferencias entre esta disciplina en cuestión y otras disciplinas afines. Dentro de las disciplinas sociológicas especiales, la sociología de derecho y de administración de justicia ocupa un lugar particular. La relación entre la sociología criminal y dicha disciplina depende en gran parte de la determinación de ámbito de estas ambas ramas. El ámbito amplio de la sociología criminal incluye la problemática sociológica de delito y de delincuente, la ejecución de pena de privación de libertad, proceso penal y otros procesos. Se puede decir que la sociología criminal es una ciencia multidisciplinar, ya que se aprovecha de otras ramas de ciencia sin integrar ni absorberlas. Por lo tanto, dicha ciencia crea conceptos generales en cuanto al objeto básico de su campo de intereses y estimula investigaciones especiales sólo en ciertos ámbitos, que son particularmente importantes para la criminalística, aunque no sean importantes para otras ramas de la ciencia.

Palabras claves: sociología, criminalística, contacto espacial y psíquico, interacciones sociales

## КОНЦЕПЦИЯ И ОБЛАСТЬ ИССЛЕДОВАНИЙ КРИМИНАЛИСТИЧЕСКОЙ СОЦИОЛОГИИ

### Резюме

Специфика криминалистической социологии во многом обусловлена спецификой самой криминалистики. Для того, чтобы криминалистическая социология могла считаться отдельной дисциплиной, следует определить предмет ее исследований. С этой целью необходимо выделить из общей социологии ту тематику, которая может быть интересна работникам системы уголовного розыска и правосудия, а также определить научные цели, присущие криминалистической социологии. Определение специфической области исследований криминалистической социологии также предусматривает анализ ее отличий и взаимосвязей со смежными дисциплинами. Среди таких дисциплин особое место занимает социология права и правосудия. Отношение между этой дисциплиной и криминалистической социологией будет в значительной степени зависеть от определения областей исследований, охватываемых обеими дисциплинами. При широком подходе в сферу исследований криминалистической социологии можно включить социологическую проблематику преступности и лиц, совершающих преступления, а также проблематику исполнения наказания в виде лишения свободы, уголовного судопроизводства и других процессуальных вопросов. Криминалистическую социологию можно считать междисциплинарной наукой в том смысле, что она использует достижения других дисциплин, не поглощая и не интегрируя знаний, приобретенных в рамках этих дисциплин. Таким образом, криминалистическая социология создает общие концепции в рамках присущей ей области исследований, а также стимулирует детальное изучение только тех вопросов, которые представляют особый интерес для криминалистики, в отличие от других научных дисциплин.

Ключевые слова: социология, криминалистика, пространственный и психологический контакт, социальное взаимодействие

## BEGRIFF UND ABGRENZUNG DER KRIMINALSOZIOLOGIE

### Zusammenfassung

Die Spezifik der Kriminalsoziologie liegt in hohem Maße in der Besonderheit der Kriminalistik selbst begründet. Eine Abgrenzung der behandelten Kriminalsoziologie ist unerlässlich, um diese als eigene Disziplin betrachten zu können. Dazu ist es erforderlich, all das innerhalb der Soziologie abzutrennen, was sich für mit Strafverfolgung und Justiz verbundene Berufe als nützlich erweisen kann und die für die Kriminalsoziologie spezifischen kognitiven Zwecke zu bestimmen. Die Bestimmung der für die Kriminalsoziologie besonderen Merkmale schließt auch eine Analyse der Wechselbeziehungen und Besonderheiten des besprochenen Fachgebiets und anderer verwandter Disziplinen ein. Unter den verschiedenen soziologischen Teilgebieten nimmt die Rechts- und Justizsoziologie eine besondere Stellung ein. Das Verhältnis zwischen der Kriminalsoziologie und diesem Gebiet wird in erheblichem Maße davon abhängen, wie diese beiden Arbeitsdisziplinen voneinander abgegrenzt werden. Ganz allgemein lassen sich innerhalb der Kriminalsoziologie die soziologische Problematik von Straftat und Täter, die Vollstreckung von Freiheitsstrafe, das Strafverfahren und andere Verfahren verorten. Es kann argumentiert werden, dass die Kriminalsoziologie in dem Sinn eine interdisziplinäre Disziplin ist, dass sie sich Erkenntnisse anderer wissenschaftlicher Fachrichtungen zunutze macht, dabei aber die in diesen Wissenschaftsdisziplinen erzielten Erkenntnisse weder integriert noch absorbiert. So entwickelt sie allgemeine Konzepte für den Hauptgegenstand ihrer Interessen und regt nur in bestimmten, für die Kriminalistik besonders wichtigen Bereichen spezifische Untersuchungen an, denen für andere wissenschaftliche Disziplinen nicht zwingend eine große Bedeutung zukommt.

Schlüsselwörter: Soziologie, Kriminalistik, räumliche und psychische Berührungspunkte, soziale Interaktionen

## LE CONCEPT ET LA PORTÉE DE LA SOCIOLOGIE CRIMINELLE

### Résumé

La spécificité de la sociologie criminelle est largement due aux spécificités de la criminalistique elle-même. La détermination de la portée objective de la sociologie criminelle est nécessaire pour la traiter comme une discipline distincte de la connaissance. À cette fin, il est nécessaire de distinguer au sein de la sociologie ce qui peut être utile dans les professions liées aux poursuites pénales et à la justice, ainsi que de définir des objectifs cognitifs spécifiques pour la sociologie criminelle. La détermination de la spécificité du sujet de la sociologie criminelle comprend également des analyses des relations mutuelles et de la particularité de la discipline discutée et d'autres disciplines connexes. Parmi les disciplines sociologiques détaillées, la sociologie du droit et du pouvoir judiciaire occupe une place particulière. La relation entre la sociologie criminelle et cette discipline dépendra dans une large mesure de la portée de ces deux domaines. En termes généraux, dans la sociologie criminelle, on peut localiser les problèmes sociologiques des crimes et des criminels, de l'exécution de l'emprisonnement, des procédures pénales et autres. On peut dire que la sociologie criminelle est une science multidisciplinaire dans le sens où elle utilise les réalisations d'autres disciplines scientifiques sans intégrer ni absorber les connaissances acquises au sein de ces disciplines. Ainsi, cette

science crée des concepts généraux dans le champ de son sujet d'intérêt de base et ne stimule la recherche spécifique que dans certains domaines, ceux qui sont particulièrement importants pour la criminalistique, bien qu'ils ne le soient pas nécessairement pour d'autres sciences.

Mots-clés: sociologie, criminalistique, contact spatial et psychique, interactions sociales

## CONCETTO E AMBITO DELLA SOCIOLOGIA CRIMINALE

### Sintesi

La caratteristica della sociologia criminale deriva in gran parte dalla caratteristica della criminologia. La determinazione dell'ambito tematico della sociologia criminale è necessario per poterla considerare una distinta disciplina scientifica. A tal scopo è necessario identificare cosa nell'ambito della sociologia possa essere utile nelle professioni legate ai procedimenti penali e al sistema giudiziario, e anche stabilire gli obiettivi cognitivi specifici della sociologia criminale. La determinazione delle caratteristiche della materia sociologia criminale comprende anche l'analisi dei reciproci legami e differenze tra la disciplina richiamata e altre discipline connesse. Tra le distinte discipline sociologiche un posto particolare occupa la sociologia del diritto e della giustizia. La relazione tra la sociologia criminale e tale disciplina dipenderà in grande misura proprio da ciò che si inserirà nell'ambito di ognuno di questi due settori. In senso largo nell'ambito della sociologia criminale è possibile localizzare la problematica sociologica del crimine e dei criminali, dell'esecuzione della pena detentiva, del procedimento penale e di altri procedimenti. Si può affermare che la sociologia criminale è una scienza interdisciplinare nel senso che beneficia dei risultati di altre discipline scientifiche, senza integrare o assorbire la conoscenza ottenuta nell'ambito di tali discipline. Quindi tale disciplina scientifica crea un concetto generale nell'ambito dell'oggetto fondamentale dei suoi interessi e stimola studi dettagliati solo in determinati settori, quelli che per la criminologia sono particolarmente importanti, sebbene non lo siano necessariamente per altre discipline scientifiche.

Parole chiave: sociologia, criminologia, contatto materiale e psichico, interazioni sociali

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