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LEGAL PLACE, ORIGIN AND DEVELOPMENT OF CRIMINOLOGY IN THE DETERMINATION OF CRIME

*Bünyamin ÇALIK**

ABSTRACT

The crime has been defined since the earliest times of mankind, and it is also known what it is. Crime has been an abnormal social phenomenon in the lives of human communities since the earliest times. It has also become a serious problem in different human societies over time. So there are many different views to explain this phenomenon. At first these views were taken into account in the identification and interpretation of the origin of the crime. Prior Philosophers believed that evil spirits are a source of crime. They were even convinced that the evil spirits were guilty of capturing the body and forcing him to commit a crime and angering God. Because of this, they believed that the only way to come from the top of the crime and the criminal was to torture him until these evil spirits are thrown out of their bodies. Later, under the influence of Christian theology, the definition of the crime is reshaped, even as a religious duty, guilty violates religious teachings and is defined as someone who is subject to the devil. These and similar views are of course not scientific to interpret the manner in which the crime is committed. Nor can it be said that these views are scientific in defining crime and criminality in the modern science concept.

In this article our main objective is to examine the place of criminology in law, its origin and development. As we know criminology became a social phenomenon and its evaluate basic social problems such as dealing with crime and criminality, crime distribution in different countries, terror, domestic violence against women, harassment, drugs, alcohol and suicide. We will separate our research in three parts. In the first part, we will examine the description, history of criminology and scientific trends in interpreting crime phenomenon.



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On the other hand in the second part we will observe the crime and criminal elements that will influence and affect the functioning of the crime. And in the final part we will determine its place in the law.

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Criminology in the modern scientific concept, in the first experiments, tried to find a scientific explanation of the crime, these initiatives focused solely on criminals without being a criminal case. These studies focus on the attachment of the criminal to the presence of congenital defects that appear in the head, face, and at the same time, mind and behind the mind. In other words which flaw or flaws caused and motivated the criminal to commit a crime. Shortly, criminology is defined as "the investigation of crime and crime issues by scientific methods".

Criminology is a concept which consist of Latin word *crīmen* (accusation) and Greek word *λογία*, -logia (science) and it is a concept that can be translated as "criminology". (Bal, H., 2013, p.19) The translation of criminology in Turkish is "Suç Bilimi". In the dictionary criminology is defined as "criminology: is a discipline that studies crimes and criminals." (Longman, 1993, p.332.)

Dealing with crime and thoughts on this subject last until very ancient histories. The concept of criminology (criminology) is yet to be used for the first time by French physician Paul Topinard in 1879. (Dönmezer, S. 1994, p.2 & İçli, T.G. 1999, p.14; "There is also information that Topinard does not use this concept first, that he uses it in the form of a French "criminologie" after Garofalo.") The first work, called criminology emerged in 1885 when the book "Criminologia" of Italian criminal law professor Raffaello Garofalo was published. Thus, this concept enters the records. Some people think that 1876 is the year of birth of criminology. (Demirbaş, T. p.2 & Dönmezer, S. p.14.) Because Cesare Lombroso publishes the book "L'uomo Delinquente" (The Delinquent Man), which contains the content of his criminal investigations, which has revolutionized the content.

Criminology is a science that emerged after the second half of the 19th century. Criminology is a very new science compared to other sciences. This field requires a lot of research because it is a new scientific discipline when compared to other sciences.

Criminology is a science which works with many disciplines (interdisciplinary). This science is an upper discipline that uses and synthesizes the scientific knowledge as a source of information from many disciplines such as biology, psychology, psychiatry, sociology, anthropology, medicine, ecology, statistics, law, forensic sciences, economics and education. (Tutar, E. www.kriminoloji.com 2002.)

The emergence of the Italian school in the second half of the nineteenth century had a great influence on the progress of studies on criminal intelligence and these studies have given a new methodological dimension to the experimental approach to the investigation of criminal behavior through Lombroso. Some lawyers say that the research conducted by Lombroso marks the beginning of the scientific work of the real crime scene. (Dönmezer, S. & Erman, S. 1994, vol. I, p. 24, 70.)

Criminology has a great deal of prominence in many ways in investigating the factors that lead to the practical functioning of crime, as well as taking advantage of the legislative body and judge and the power of criminal enforcement. Criminology studies have produced reports through legislation to contribute to the fight against crime. These can be done by investigating the criminology obtained from studies on the classification of the offense according to different punishments, through a holistic study of the nature of the offense and the criminal nature of the appropriate treatment. In the light of these research and studies, the legislator may intervene by selecting appropriate penalties or social and precautionary measures for each group of offenders.

There is no doubt that criminology is the study of the legitimate child criminals who led them to establish themselves with a special punishment system that is different from that of adult criminals. Studies in crime area inform the criminal tribunal, the choice of punishment or the appropriate injunction for each charge. And to do this appropriately, the judge must be provided with the means to determine the criminal character of the criminal in order to measure the crime risk in society. This, of course, assists in fighting crime in the community by applying minimum or maximum punishment of crime or by taking precautionary measure instead of criminal punishment, or by

preferring to suspend if the circumstances of the sanction require it. Recent studies in criminology allow authorities to perform punishments to select the most appropriate punitive and recuperative treatment for the punished person and to select the method of working in the penal enforcement agency by categorizing the offenders in terms of age, gender and crime. The choice of the criminal procedure is also based on the physical, psychological, mental and social examination of the criminal. This review contributes to the knowledge of the factors that lead to the commission of the crime, and it also helps to correct and remove them from the scene.

Keyword: Criminology, Law, Violence, Harassment

SUÇUN TESPİTİNDE KRİMİNOLOJİNİN HUKUKTAKİ YERİ, KÖKENİ VE GELİŞİMİ

ÖZET

İnsanlığın en eski çağlarından beri suçun tanımı yapılmış ve ne olduğu da bilinmektedir. Suç, en eski zamanlardan beri insan topluluklarının hayatında anormal bir sosyal görüngü haline gelmiştir. Ayrıca zamanla farklı insan toplumlarında ciddi bir sorun haline de gelmiştir. Bu fenomeni açıklamak için birçok farklı görüşler de ortaya çıkmıştır. Başlangıçta bu görüşler suç olgusunun kaynağının tespitinde ve yorumlanmasında göz önünde bulundurulmuştur. Önceleri Filozoflar, kötü ruhların suçun kaynağı olduğuna inanırlardı. Hatta kötü ruhların suçlunun bedenini esir alıp, suçu işlemeye ve Tanrıyı kızdırmaya sevk ettiğine kaniydiler. Bu yüzden, suçun ve suçlunun üstesinden gelmenin tek yolunun da ona işkence etmek olduğuna inanıyorlardı. Ta ki bu kötü ruhlar bedeninden atılıncaya kadar. Daha sonra, Hıristiyan teolojinin etkisi altında suçun tanımı yeniden şekillenir, hatta dini bir görev olarak suçlu, dini öğretileri ihlal eden ve şeytana tabi olan birisi olarak tanımlanır. Suçun işleyiş şeklini yorumlamak için bu ve benzeri görüşler elbette bilimsel değildir. Ayrıca bu görüşlerin modern bilim kavramında suç ve suçluluğun tanımlanmasında bilimsel olduğu da söylenemez. Bu çalışmamızda amacımız sosyal görüngü haline gelen suçun tespitinde ve günümüz toplumlarını farklı boyutlarda etkileyen çok geniş bir araştırma alanını ihtiva eden, suç kavramını ve suçluyu ele alan, farklı ülkelerde suçun dağılımını, suça maruz kalma terör, aile içi ve kadına karşı şiddeti, taciz, uyuşturucu, alkol ve intihar gibi temel sosyal problemleri değerlendiren kriminolojinin hukuktaki yeri, kökeni ve gelişimini ele almak olacaktır.

Bu çalışmamızı üç bölüm halinde gerçekleştireceğiz. Birinci bölümde, kriminolojinin tanımı, tarihçesi ve suç olgusunun yorumlanmasında bilimsel eğilimleri incelerken, ikinci kısımda ise suç ve suçun işleyişini yönlendiren ve etkileyen suç unsurlarını ele alınacak, üçüncü bölümde de hukuktaki yeri tespit edilecektir.

Anahtar Kelimeler: Kriminoloji, Hukuku, Şiddet, Taciz

INTRODUCTION

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The emergence of the Italian school in the second half of the nineteenth century had a great influence on the progress of studies on criminal intelligence and these studies have given a new methodological dimension to the experimental approach to the investigation of criminal behavior through Lombroso. Some lawyers say that the research conducted by Lombroso marks the beginning of the scientific work of the real crime scene. (Dönmezer, S. & Erman, S. 1994, vol. I, p. 24, 70.)

1. History of criminology

The word "criminology" was first used by a French physician named Topianard and the first work bearing this name was published by Garofalo, who lived in the second half of the 19th century. In the past, certain motives which make someone turn into crime have attracted attention. Plato, for example, in his "Laws", counted the crime as a kind of sickness, and stated that it had three sources: Passions (desire, desire, jealousy, fury and others), seek pleasure and ignorance. According to Plato, punishment improves the criminal by illuminating it and removes the pressures laid on it by the motives such as fury, pleasure desire. (Dönmezer, S. 1994, p.2. & Szabo, D. 1965, p. IX. & Nêgrier-Dormunt, L. 1982, p. 16.)

The Hippocrate with Plato can be considered a thinker who first felt the existence of Crime Anthropology. Because both thinkers see a relationship between body shapes and character. Aristotle, on the other hand, has held that criminals have been considered enemies of society and that they should be punished with merciless punishment. Aristotle claims that misery is the cause of rebellion and suicide. Some thinkers regard Aristotle as the founder of biological psychology. (www.kriminoloji.com 2002.) In 1860 Maudsley published his work, which examines the relationship between crime and mental illness and in 1868 Prosper Despine in his book "Psychologie Naturelle", he arrived at the conclusion of the criminal got folie morele after he state that the criminal boys have the existence of degeneration.

Alfonso de Candolle and Villerme made investigations on crime statistics in 1830 and 1831. Parent-Duchaftalet has examined the aspects of Anthropology, Medicine and Sociology by applying a very new method of transfiguration. It is important to remember the names of Quételet and André Guerry in this subject. Quételet published his research on Dutch criminal statistics in 1835. He explained how birth and death amounts can be estimated beforehand so that acts of murder and dishonesty can be predicted in advance. In his book published in 1833 named *Essaie sur la Statistique Morale de la France*, Guerry explained that it is possible to apply numerical analysis on community events, and thus their connection to development and other elements can be determined. However, studies on the sociological factors of crime were carried out by Tarde, Lacassagne and Joly in the 19th century. It turns out that the foundations of Crime Anthropology and Crime Sociology were laid down before the great works brought to Italy by Lombroso and Ferri. In the second half of the 19th century we encounter three great names in the history of criminology. These are Lombroso, Ferri and Garofalo. (Dönmezer, S. & Erman, S. 1994, vol. I, p.24,70.)

While Cesare Lombroso was professor of Forensic Medicine at the University of Pesaro, as a result of the investigations on the criminal in the city prison, after 1876, he brought his great work, *L'Uomo Delinquente*, which will later revolutionize the world. According to Lombroso, crime is a natural phenomenon, such as death or birth; even plants and animals are even in the realm. An action takes the character of a crime when it is found in contradiction with a certain country and time, customs and traditions. Crime is, naturally, a fact in the general causality law. Because, the crime, with its significant part, is a product of the conditions of the organism. Some people are born as criminals, as certain animals are predators, plants are parasites. A person, who commits a crime, has sui generis forms as an anthropological type and he commit a crime because of anatomical, biological and psychological features in his body. These stigmatism, which force individuals to commit crimes, are atavism and degenerated.

According to Lombroso, punishment cannot destroy the actions and the natural forces that combine to bring the blame into action. For this reason, good health care, hygiene, and crime prevention are more effective than punishment. The state should fight not with crime, atonement, spiritual paying purpose, but with social defense. (www.Kriminoloji.com 2002.) Raffaello Garofalo explains his ideas in his work named *Criminologia*. (Garofalo, Le Baron R. 1905, translator Muhittin Göklü, İstanbul, 1957.) According to the author, immoralness is not the product of free will; it is the

result of the failing biologic. So, in punishment, the measure must be state of danger; this is the basis of criminal responsibility. Because crime is not the product of free will, it cannot justify the ratio between moral responsibility, crime and punishment. (Dönmezer, S. 1949, p.37.)

Enrico Ferri has explained his ideas in his work which called *Sociologia Criminale*. We can explain his ideas in resume: The essence of the investigation of the guiltiness should be the positive method. A criminal is usually abnormal; his biological, physical and social factors, despite himself, are forced to commit crimes outside his will. Criminality statistics have shown that punishment has no effect on preventing crimes or preventing people from repeating their crimes. So society has to develop other means of defense. These are measures (punishment counterparts) that hold the punishment called *sostitutivi penali*. The statistical analysis reveals that the level of criminality in a country is in accordance with the "law of excessive saturation in crime".

Just as a certain number of chemical objects dissolved in a certain volume of water at a given temperature- neither an atomic atom nor an atom is missing -, a certain number of crimes are just like that; they are committed in the same social environment, in individual and physical conditions, neither a number is missing nor a number more. In that case, the punishment does not have the activity recognized.

The constant relationships between the causes and factors that cause criminals to commit crimes, and their mutual effects, are the proof of universal necessity (determinism). The living being, from the state of protoplasm, to the most advanced shape, just battle for its own existence. Base of criminal responsibility is a social responsibility. Criminals have social responsibilities because of their lives and actions in society and because they are harmful or dangerous and the right to punishment is based on the principle of community defense.

It is necessary to state that Tarde, Mezger and Exner have also important places in the history of criminology. In 1920 and 1930 a new Contemporary Criminology began to emerge. In this period, two principal views have been put forward in terms of explaining the criminal behavior. The first of these has inspired the influence of Sigmund Freud's theories and the symbolic expression of the tensions and controversies present in the soul structure of the criminal. The second explanation is that the influence of sociologists is to treat the crime as a result of the environment in which the individual lived. At present, these two main ideas dominate in criminology. The examination of the sociological view of criminality has taken a broad American approach in the 20th century. (The most important reason for this is the fact that the criminological researches in America have been carried out by sociologistp. That is why reasons of crimes are attributed to the social environment in which the individual is socialized, thus, family structure, the influence of criminal groups, the role of cultural values that motivate criminal behavior, professional criminal organizations and similar subjects constituted the main research topic..) Authors such as Sutherland, Sellin, and Cohen focused on the effects of learning, culture conflict, and criminal subculture in the formation of crime.

After the 1960s, crime sociology left its wide-ranging place to "deviation sociology and interactive school." and then the "radical criminology" trend emerged. Towards the 1960s, a number of new efforts emerged, especially in the United States, to change generally accepted assumptions about the bases of criminal behavior. Criminological theory, methods and applications have been turned into a new set of researches. Some sociologists call this new approach "Radical Criminology"; others called "Critical Criminology". (Douglas, J. 1971.)

This new view sees the Criminal Code in a class society as a means by which those in power use it to control other minority groups. Crime anthropology congresses, which had been gathered since 1885 as criminology as a science fiction, also became important.

After the pause of the end of World War I, "International Criminology Association" was established by Benigno di Tullio in 1934 and the first International Congress of Criminology was

convened in Rome in 1938. In 1949, the International Criminology Association was established in Paris and the International Congress of Criminology was first convened in Paris in 1950. Thus, it was possible to establish the International Criminology Commission in 1955 London and 1960 Hague Congresses. After that, these congresses continued to gather every five years. The Council of Europe has been organizing criminological research conferences and colloquiums every year since 1960 and publishes the minutes of the discussions with the reports. (www. kriminoloji.com 2002.)

2. Description of Criminology

Criminology is a branch of trial-based research tools and crime identification that determines crime and criminality factors. It examines the individual and social factors that constitute basic elements of criminal behavior. There is a lot of different description of Criminology. The reason of this is that criminology is carried out both on individual and social issues, as well as narrowing or extending the content of its definition. (Günel, Y.1972, vol. 27, No:2, p.53.)

As we indicate before the reason of the lack of definite definition of criminology is because it is a new kind of science. It is possible to define criminology as a science of crime, science dealing with crimes or science searching the reason of crime. Criminology is also a discipline that examines whether crime of criminal is caused by his environment and the environmental reasons. American scientist Sutherland, he claims that the criminology not only examines the cause of crime but also it includes criminal science and sociology of law and it constitute social direction of crime. It is possible to say that these definitions, as stated above, are general, nonspecific or these definitions can show us that criminology is confuse with the other sciences. That is why, law defines criminology as “a branch that investigates crime as an individual phenomenon and knowing the factors that cause it to control and reduce social scientific work.” (Sutherland, E. H. & Cressey, D. R. 1966, p.3 & Dönmezer, S. 1994, p.9.) This science includes some modern sciences such as medicine, psychology and sociology, as well as other sub-sciences specializing in investigating the causes of crime.

3. Science Branches of Criminology

We will briefly describe modern criminology and a series of science which can be branches of this science such as “criminal nature”, “criminal psychology and sociology” which include the notion of crime and criminal.

3.1. Criminal Nature

This science is also referred to as "guilty biology" by the scientific principles lay out by the Italian scientist Lombroso. This science is about to examine the characteristics and organic properties of criminals in terms of external physical composition or internal organs of the body. In his research, Lombroso had arrived at the result that there is a continuous relationship between criminal and crime organic compound and criminal is an exemple of primitive man. (Dönmezer, S. 1994, p.4.) Although Lombroso's ideas have been particularly criticized in relation to crime and criminal, Criminal biology reveals the fact that some of the driving factors of the crime are due to a defect or anomaly in the organic composition of the crime.

Even acknowledging that these factors cannot be used to make a general interpretation of the crime, shows us that the knowing the organic imbalance of crime help us to choosing the appropriate treatment method. (Zeğlül, B. S. 2007, p.14.)

3.2. Criminal psychology

This science is about investigating the psychological aspects of a criminal and repulsive motives influencing the criminality, which is called the psychological factors of the criminal. It also examines the mental abilities of the criminal and the size of the mental tendency towards crime. Researchers in crime psychology use psychoanalytic methods that Freud and other psychologists say

they shed light on the elements of this mental preparation to commit crimes. As it is difficult to distinguish between the organic composition and the psychological organization of the criminals, the tendency of the individual to psychology and criminality is remarkable in the light of some opinion. (Zeğlül, B. S. 2007, p.14.)

3.3. Criminal Sociology

This science examines the criminal factors as a social character and also examines crime as a social phenomenon resulting from the influence of the social circle which surrounds individual. The basic idea of this science is that the cause of the crime cannot be confined to the criminal and organic characteristics of the crime and social factors have an important influence on promoting these internal factors and interact with them. (Zeğlül, B. S. 2007, p.14.) From the definition of criminology we mentioned above, we can say that its subject is to examine crime, criminal and investigation of criminal factors.

4. Meaning of crime and criminal in criminology studies

Crime, "suç" in Turkish, means according to dictionary "acts that are contrary to the rules of morality and ethics or an act that is prohibited in a society with written or unwritten rules and acts which impose sanction."

As a term for crime in contemporary law reviews different definitions have been made according to the philosophical view on which they are based or on the conclusion reached in terms of the theory of the general elements of the crime. There is no generally accepted term that satisfies the crime in the narrow sense of classical Islamic law. The word of "Cürm" and "Cerime", in Islamic law, are used to include sin, crime and torts. Although Maverdî described "ceraim", the plural of cerime, as prohibitions that Allah deters with the punishment (prohibited actions). This use is not widespread in Islamic law literature.

The murder word is commonly used for crimes of murder and injury (an act of affection), while also covering the meaning of "crime" in general. In verses and hadiths, the words derive from Cerm are commonly mentioned for state crime and sin. Besides *Cürüm*, *cünha* and *kabahat* (fault) are used in modern era in Turkish Penal Code in the meaning of crime. In modern Arabic term of crime is stated generally with the word of *cerime* or murder. (Zeğlül, B. S. 2007, p.14.)

There are two approaches to crime investigations, one about form and the other about essence. The first is addressed in terms of the connection with the penal code and defines crime as an act forbidden with punishment threat by law. The second concept is the essence of the crime, it means that it analyze what it violates and why it is forbidden. However, some authors point out that in order for this approach to be useful, criminal determinations must be made directly in positive law. (Boynukalın, M. DİA, vol.37, p.457.) On the other, law distinguishes between the two meanings of crime: First legal or official meaning of the crime and the second is social and moral part of crime.

4.1. Legal or Official Meaning of Crime

According to this, crime is described such as: it is an act against to penal code provisions. This description, from the point of view of the Criminal Code, the social attraction involved in the material and procedural circumstances necessary for the crimes is removed from the meaning of the criminal acts. The official or legal significance of a crime means that it ignores the fact that crime is a material fact with social consequences before it becomes a legal fact. This legal meaning restricts the investigation of the criminal acts of science by excluding social dangers other than those provided for in the Criminal Code. In fact legal meaning of crime can be change according to time and place, so it is relative. This situation invalidates the definition of criminology, depending on the criminality. Because unless the subject is characterized by consistency and homogeneity, it will not give exact result.

4.2. Social and Moral Meaning of Crime

Taking into consideration these difficulties with the legal definition of crime, crime has been defined from a social point of view in terms of law. Although the crime is not included in the provisions of the criminal law, it is defined as behavior that is contrary to moral values and principles that are dominant in society. In this respect, Garvalo changed the notion of "legal crime" with the idea of "natural crime". And this means any violation of the feelings of compassion and honesty which are judges in society. Examples of natural crime include murder and theft. Natural crime is characterized by genius and persistence, the content does not change with time and place. Natural crimes correspond to the so-called "artificial crime or conviction crime", which is an attack on the social feeling and the matter that varies according to time and place. Economic crimes to protect certain social interests are also examples of natural crimes.

This social connotation of crime is against the principle of the law of crimes and punishment which is an important protection principle for the protection of individual freedoms. In addition, the criminal law regulators punish the crime because it represents an attack on the core interest of the society, not because it is contrary to morality.

On the other hand, Garvalo's idea of natural crime is an idea that some think is not realistic, because the nature of societies changes from one place to another, and society may offer differences from time to time. For this reason, what is considered a crime in a society may not be a crime at another time. (Zeğlül, B. S. 2007, p.15-18.)

5. Classification of Crime and Criminals

5.1. Classifications of Crime

Criminal Code divides crimes into various parts. These classifications have some benefits in terms of legal technique. When the classification is being made the personality of the person who committed the crime or the reasons and factors that led to the crime being committed are not addressed. Therefore, the criminology, who is charged with the explanation of the crime, must commit the offenses to the classification by taking the crime for its own purposes. (Dönmezer, S.1994, p.53. & Tutar, E. www.kriminoloji.com 2002.)

Crimes, by those who make the classification of the crimes, has been classify according to the intentions of the criminals and the nature and severity of the reaction to crime by society. Classification of crimes can be done in many different ways. We will examine certain type of classification of crime.

5.1.1. Classification of Crimes According to Purpose of Criminals

We can find an example of this kind of classification in Bonger's work. Bonger distinguish criminals according to their reasons like; economical criminals, sexual crimes, political crimes. Yet no crime can be attributed to one single reason. A classification based on single reason is far from being satisfactory. (Bonger, W.A. 1916, 36. & Dönmezer, S. 1994, p.53. & www. kriminoloji. com 2002.) The other example of classification in this subject has made by Gillin. Gillin categorize crimes as:

1. Economic crimes: Hooliganism, begging, theft and similar offenses, killing for profit, looting, frauds in foodstuffs, embezzling and crime of bribery.
2. Sexual crimes: prostitution, adultery and rape.
3. Coercion and violence crimes: killing a person, assault and battery and killing new born child.
4. Political crimes: crimes committed by politicians and statesmen, crimes against the government and civil servants. (Dönmezer, S. &Erman, S. 1994, t.3. www. kriminoloji. com 2002.)

5.1.2. The Classification of Crimes Regarding to the Nature and the Violence of Reaction Demonstrated by Society

Sellin, in sociological point of view, address the degree of reaction shown by the society towards crime as a measure. Since this reaction is shown by the public together with the violence of the punishment, the punishment should be based on the classification. (Sellin, T. 1938. & Dönmezer, S. p.54. & www. kriminoloji. com 2002.)

Opinion of Sellin about the classification of crime is that for him Criminology must keep the crimes committed to theoretical classifications in terms of their own cause. (Hurwitz, S.& Christiansen Karl O. P.377. & Dönmezer, S. p.54. & www. kriminoloji. com 2002.) In this classification, as a measure usually the process of crime, the way of handling, the mechanism of causation, the reasons should be fundamental. by virtue of a classification to be made on this basis, practical benefits can be obtained in terms of prevention of crime. (Dönmezer, S. p.54. & www. kriminoloji. com 2002.)

5.1.3. Criminal categories according to Turkish Penal Code:

1. Homeland treason crimes: Crimes against state personality, Crimes against the powers of the state, Crimes against the State and its sovereignty
2. Crime against Liberty: Crimes against political rights, Crimes for lack of personal liberty (threat, enforcement), Crime against Housing immunity
3. Crimes against state administration: Embarrassment and conflict, Extortion, Bribe
4. Crimes against judiciary: Avoiding a service that is legally required to be fulfilled, Making a crime, Slander, Swear by lies, Self-empowerment
5. Crimes against public order: Incitement to commit crime (Direct incitement to commit crime, Indirect incitement to commit crime), Establish an organization to commit crime
6. Crimes against public confidence: Common Forgery (Official paper forgery: Forgery at the original of paper, Forgery in the form of paper, Forgery in the documentation of official transactions, Idea forgery, and the forgery of the official documents of individuals. The forgery at the private documents), Crimes related to forgery (Using fake documents, Destroy the document)
7. Crimes against public well-being: Drugs (Crime of acquiring drugs: Manufacture, import and export crimes, crimes of selling, buying and keeping drugs. Crime of using drug)
8. Crimes against general morality and family order: Abuse, statutory rape (Abuse, Statutory rape, pedophile, breaking virginity with marriage promises, Foolish movements, Vulgarity), Kidnap and detain (Abduction and detention of adults, Abduction and detention of minors)
9. Crime against person: Intentional murder (Legitimate killing, permissive killing), involuntary manslaughter, joining in suicide, negligent manslaughter, assault and battery (General assault and battery, Intentional assault and battery, Negligent assault and battery), Defamation, Special provocation, Mutual provocation(Using violence against someone)
10. Crime against property: Harm to someone else's property, Fraud, Abuse Safety, Theft (Simple theft, Causes of violence origin of place and time, Causes of violence connected to person), Plunder (Securities plundering, Usurpation of bills, Human abduction (www. kriminoloji.com 2002.)

If we will make another classification it would be like this:

1. Violent crimes: Killing man, Plunder, Assault and battery
2. Sexual crimes: Sexual abuse of children and adolescents, Rape, Exhibitionism, Incest, Prostitution

3. Crimes committed against the property: Theft, Damage the property, Fraud

4. Traffic Crimes

5. Economic Crimes: Illegal trafficking (Smuggling, Organ and tissue smuggling, Smuggling of cultural and natural assets, Human trafficking), Forgery (counterfeiting, Forgery of documents, False invoice, Intellectual and artistic works, patent rights and brand imitation), Usury, White-collar crime, Corruption in the public domain (bribe)

6. Environmental Crimes

7. Computer Crimes

8. Alcohol and Drug Crime

It is possible to make classification as above. (Demirbaş, T. 2001, p.207. & www.kriminoloji.com 2002.)

5.2. Classification of Criminals

Dividing into classes according to the characteristics of criminals, the application of sanctions and measures to be applied in their typology and rights according to the classes and types they belong to in Criminology, has began long before Lombroso and Ferri. There are also writers who claim that the new classifications are showing the influence and penetration of the classification that Ferri had done before. (Pinatel, J.1956. p.863. & Dönmezer, S. 1994, p.386. & www.kriminoloji.com 2002.) Before Lombroso, Gall was divided criminals into two parts: those who act under the influence of passion, those who act with innate instincts. Despine had envisaged four classes in 1868. These are;

1. Criminals who act with cold blood

2. Crimes with passionate

3. Criminals with non-pathological mental illness and abnormality

4. Criminals with pathological mental illness or mentally ill. (Constant, J. 1996. P.76 & www.kriminoloji.com 2002.)

Let us explain that almost every criminologist has committed a criminal typology according to himself. That is why it is not possible to say that typologies that made up until today, they are completely correct.

Let us also point out that in criminology before criminals are separated into classes, in the Middle Ages, crime habit had a place in the Italian penal doctrine. So that for the first time the criminals and persistent violator are separated. It is also known that in terms of criminal responsibility, mentally ill and children are separated from habitual criminals. (Hurwitz, S.& Christiansen Karl O.1983, p.384. & www.kriminoloji.com 2002.)

Criminal classification of Lombroso and Ferri:

Lombroso has divided criminals in five groups in his work named The Criminal Man:

1. Born Criminals

2. Epileptic criminals

3. Criminals with insurmountable ambitions

4. Mentally ill Criminals,

5. Accidental criminals

Later, Lombroso separated accidental criminals in three subgroups:

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1. Semi Criminals (pseudo-criminali)
 2. Kriminaloids,
 3. Stubborn Criminals who are not abnormal

Ferri also divided criminals in five groups:

1. Born Criminals
2. Mentally ill criminals
3. Passionate Criminals
4. Accidental Criminals
5. Habitual criminal.

The character of Ferri's classification is that he has emphasized the distinction between accidental and habitual criminals and has found the concept of habitual criminal. In this subject we must mention classification of Von Liszt. (Liszt, F.E. 1896. & www.kriminoloji.com 2002.) He divided criminals in three groups and he recommends sanctions and measures separately for each group. This classification of Von Liszt was also introduced to the program of the International Criminal Justice League in 1897. These groups are:

1. Accidental Criminals
2. Amendable permanent criminals
3. Non- Amendable permanent criminals

6. Modern Descriptions

We observe that different theoretical classifications take place in European criminology. On the other hand, the subject of classification in American criminology is handled from practical point of view and prisoners in prisons are subjected to various kinds of classification, they are the subject which they were tried to be cured in a best proper way that suits their bodies and characters.

Since it is not possible to mention here all of the classification, in this part we will consider certain elements that are considered important in criminology and we will examine, in terms of the proportion to these elements, what sort of classification exist. (Hurwitz, S. 1951, p.383. & www.kriminoloji.com 2002.) We remember the other criminal classification from Lombroso and Ferri

So, it is possible to classify criminals according to these elements herein below:

1. Factors which cause crime (etiologic)
2. Psychologic and psychiatric, characterologic elements
3. Clinical elements
4. Penal policy, reclamation and cure

6.1. Classification in terms of factors which cause crime

According to this classification there are three types of criminals:

1. Those that determined by inner reasons for their crimes
2. Those that determined by exterior reasons for their crimes
3. Those whose criminalities determined at the same time by inner and exterior reasons

It is clear that at this kind of classification the internal factors of the criminality can be separated from each other by the physical factors and the environmental factors that depend on an opinion that in second degree important environmental influences can be separated. To us, it is impossible to make such a distinction practically. Even the above-mentioned classification can be conceived in the theoretical context, it is far from scientifically certain to determine which crimes committed by biological reasons or environmental reasons.

6.2. Classification of crimes in terms of Psychological and Psychiatric, characterologic

6.2.1. Psychological Classification

One of the first classifications in terms of psychological has made by Egvind Obik. (Hurwitz, S. 1951, p.389. & www.kriminoloji.com 2002.) According to him, this type of criminals has divided in three such as:

1. Those who have weak will to commit a crime
2. Those who have a average will to commit a crime
3. Those who have a strong will to commit a crime

It is clear that the classification is not certain. Another classification has made by Hans W. Gruhle. Basic factor for him was that life direction of criminal. (Hurwitz, S. 1951, p.389. & www.kriminoloji.com 2002.) So, according to him criminals have divided in five types :

1. Delinquent Criminals
2. Spiritually Weak Criminals
3. Passionate Criminals
4. Criminals who commit a crime according to their honor and opinion
5. Poverty Criminals

Gruhle has divided Delinquent Criminals in two: Delinquent criminals can have active and passive personality. Those who professional crime makers are the ones who have active personality. Hurwitz is particularly concerned with incidental offenders and affectional offenders, among the criminal types that can be put forward in psychological care. There are no antisocial behaviors and tendencies in incidental criminals. Incidental offenders miss out on opportunities to deal with an act or action that should only be prosecuted by law. But this opportunity has not been revealed by himself. Psychologically incidental offenders has no specific feature, but he is just weak in resisting his urge.

Sexual crime is also an ambiguous concept in psychological terms. Psychologically, sexual crime is a temporary fierce excitement. Sexual offender is someone who commits a crime under the influence of such an excitement. And according to some passionate criminals should also be put to this category. When we talk about the sexual offenders, it is necessary to understand the criminals who see emotional and sexual excitement in their acts and movements. Thus, sexual offenders constitute the counterpart of the other criminals for a certain enrichment purpose while dealing with their crimes. (Szabo, D. 1965, p.330. & www.kriminoloji.com 2002.)

6.2.2. Psychiatric classification

The most detailed psychiatric classification has given by Benigno di Tullio. (Di Tullio, B. 1951, 181. & www.kriminoloji.com 2002.) His classification has indicated below:

1. Incidental Offenders:
 - i) Just incidental offenders (half criminals)

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- ii) Ordinary incidental offenders (half criminals)
 - iii) Confused incidental offenders
 - iv) Incidental offenders due to passionate or sexual situations
2. Criminals according to body type:
- i) Ordinary physical criminals.
 - ii) Hypoévolutive physical criminals
 - iii) Neuropsychopathic physical criminals
 - iv) Psychopathic physical offenders
 - v) Physical criminals in various ways
3. Mentally ill persons:
- i) Criminal mentally ill
 - ii) Mentally ill criminals (psychic abnormalities, neuropsychopathies, psychopathies, mental illnesses)

Di Tullio claims that this classification carries the necessary elements for the development of a biotypology and allows the individualization of criminals in criminological terms.

6.2.3. Classification in terms of characterology:

The explanations we have made over above have revealed that there is no general criminal character. However, it was seen that those who committed certain crimes generally has specific characters and some authors have suggested that there is a criminal character in such a specific and special crimes. Thus, character-based criminal classification is made. According to psychologic typology of Jung, (Seeling, E. 1956, p.54 & www.kriminoloji.com 2002.) types can be divided in two such as introvert and extrovert. And according to researches of Janesch it divided in two: interested and non-interested in crime. We can maintain characterological classifications for these types of criminals. Exner's classification can be considered as characterologic. Exner's classification has two bases:

- a. Incidental offenders and principal offenders
- b. Active and passive criminals

It is necessary to distinguish criminals, professional criminals who have conducting activities in a methodical organization and who are antisocial, active criminal, from habitual criminals who are passive criminals. (Exner, F.1946, p.340. & www.kriminoloji.com 2002.)

6.3. Clinical Classification

Clinical classification is the sort of classification brought to the square by combining the characteristics of the crime with the character of the criminal. It is suggested that Seelig (Seeling, E. 1956, p.53 & www.kriminoloji.com 2002.) gave the most perfect style of this classification. According to Seeling, the criminal type constitutes a kind of combination of all of the multiple characteristics that are in relation to each other and in harmony. That is why one person can have multiple classification. The classification of criminals must be made according to the qualities that characterize the criminal and the spiritual process in which the act is committed and it also must be done in accordance with an essence that combines the manner of action while committing crime. Writer divides the criminals into eight criminological types:

- 1. Professional criminals who does not want to work

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2. Criminals who commit crime against property rights due to reduced resistance
 3. Offensive criminals
 4. Sex offenders
 5. Criminals under the influence of a crisis
 6. Criminals by primitive reactions
 7. Ideological criminals
 8. Criminals due to social indiscipline

According to Seelig, men or women criminals are belong to one of the eight types. But there are some criminals who belonged two types at the same time. These are we called as mixed types. There are limited criminals who have not belonged to none of these eight types.

Gibbens gives an etiological classification to Dr. Peter Scott in the context of the clinical approach. According to them juvenile delinquents commit crimes with predisposing and precipitating reasons. Predisposing causes determine the tendency to develop personality. Precipitating reasons connected to possibilities, special situations and child's interpretations and their meanings.

The typology that is connected to the predisposing causes is divided into four:

1. badly-grown persons
2. Well-educated person according to bad standards
3. Persons who specify recovering examples
4. Badly adapted persons

6.4. Sociological Classification of Criminals

Some authors have different meanings from sociological classification. According to Hurwitz, criminal types in sociological terms answer the nature of acts and movements committed by criminals. This opinion has found a place of application in the National Socialist German Criminal Theory. It has been accepted that the attitudes and behaviors that are characterized in the public, such as murderers, thieves, and oppressors, correspond to certain criminal types. (Dahm, G. 1940. & www.kriminoloji.com 2002.) Cavon, who represents the American sociological class, gives a sort of classification as follows:

1. Professional Criminals
2. Criminals being in gangsterism and work for it
3. Criminals who lives in criminal's world
4. Habitual criminals (alcoholics, drug addicts, punk and beggars, little thieves)
5. Brainsick criminals (those have psychoses, psychoneurosis and those are psychopaths)

It is seen that the basis of this classification is the social process and social effect of crime. Szabo explains that sociological typology should be based on socio-cultural elements and is based on the following two principles:

1. The life style that the criminal develops in the process of socialization,
2. The concept of criminal profession of a person as an individual and social fate within a particular social structure.

For example, we can classify the first one as Mayhew-Morov criminals, coincidental, professional and prudent criminal. And we can give an example for the second Recless's five criteria. (www.kriminoloji.com 2002.)

6.5. Classification in terms of nature and direction of Criminality

It has been argued that the only criteria for classifying criminals according to external observable elements for classification is the need to address the external elements of their formation and development. So we can divide criminals in three such as:

1. Persistent violator and non-persistent violator
2. Chronic criminals
3. Violent and soft criminals

Persistent and non-persistent violator is the oldest, traditional classification. There is a distinction between the meaning of repetition (chronic criminals) in criminal law and the meaning in criminology. In criminology it is not mentioned essentially the repetition but it is mentioned persistent violator. Persistent violator in criminology apart from the sense of criminal law, it is often used on multiple criminal offenders.

The criminals who repeat their crimes after a long period of time are called limited criminals; for the ones who repeat their crimes after a short period of time are called as chronic criminals. In recent years, with a new direction in German criminology it is accepted that the general direction of criminality correspond to different directions of criminal types among criminals. Some types of criminal offenders are called monotypes, while those who commit various crimes are called mixed or multiple types. Those who operate on two types of crime at the same time are called parallel types, and those who change crime activities are called changing types. (Hurwitz, S. 1951, p.403. & www.kriminoloji.com 2002.)

6.6. Classification in terms of criminal politics and treatment

This sort of classification is found especially in American criminology. In this respect, laws have separated crimes into groups according to objective and scientific measures and according to these groups they have determined the type and amount of sanction and so they have made some kind of legal individualization of this punishment. This is the situation of criminals, who have been subjected to mental illness, deaf and dumb criminals and persistent violator. It appears that this classification also correspond to the legal classification of criminals.

The classification we would like to mention here is about the providing rehabilitation and treatment at the most appropriate rehabilitation center according to the character and personality of the person who has been convicted of the crime. (www.kriminoloji.com 2002.) This kind of classification can be made based on the principles such as age, gender, the possibility of escape from the institution, the nature of the act, the possibility of reform, education and training needs, physics and mental conditions, work ability and race. It also can be made with an administrative mindset. It can also be made to make group therapy possible by bringing together homogenous offenders of a certain type. Such a combination would also provide the opportunity to prevent the spread of bad habit. (www.kriminoloji.com 2002.)

Benefits of classification of criminals:

1. Detention of different types of criminals in a proper manner
2. More appropriate supervision and control possibility
3. A more appropriate discipline

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4. Increasing the production skills of prisoners
 5. The more convenient and efficient use of facilities for the training and conviction of prisoners
 6. Continuity in rehabilitation and rehabilitation programs
 7. To improve the attitudes and movements of prisoners
 8. The decline in survival rates of prisoners released
 9. Obtain better results in long-term planning of building needs (www.kriminoloji.com 2002.)

7. Legal Importance of Crime

Criminology research deals with the criminal as a subject to describe different aspects of personality, also physical and mental, psychological and mental aspects. Thus, it can finally determine the factors that drive the crime and determine what is appropriate to fight against it. If so, it is not easy to identify criminals under criminal trials. The law does not indicate when a person has committed a criminal offense and does not indicate the end of it. Someone else's thoughts can also be governed by strict social considerations and beliefs. All this gives a relatively understandable meaning to the criminal. It is clear that the definition of the concept of criminal is full of many difficulties. Some of these are those:

On the one hand, the traditional criminal doctrine defines a criminal as: if there is a criminal offender according to the Penal Code, person must prove that he has committed the offense by legal proceedings. This definition makes it easier to identify the criminal, but this definition has been criticized. On the other hand, modern laws define a large number of penal texts. Some of these provisions aim to regulate the organizational aspects of life in society and violation of these rules does not help the person to give the infringer's status.

Despite the violation of personal skills, including violations of traffic, it is not appropriate to escape from entering into the law and to exclude them from the Department of Criminal Investigations due to their criminal mentality.

These criticisms led to the emergence of a modern tendency, seeking a new definition of criminality in line with the nature of criminal trials. In this view, the legislator defines some forms of behavior as criminals, regardless of whether the legislator removes such a criminal statement. The most important characteristic of the criminal - according to this modern thought - is that it has a non-social mind; in other saying it is person who has a mentality devoid of social adaptation ability. As a result, the adoption of the traditional conception leads to a narrowing of the scope of the criminal investigation and closing of the door to the opportunities to prevent crime; because a person with a non-social mind is excluded from the concept of crime. The difficulties in defining the concept of the offender are not limited to the suitability of the legal concept or the social concept of the offense. There has also appeared a problem with the quality of the criminals. (Zeğlül, B. S. 2007, p.20.)

8. Relationship of Criminology with the other Crime Sciences

There is a clear link and close relationship between the different branches of crime science; they all revolve around the concept of crime and they all interested in to investigate by knowing the factors that cause it or establishing the punishments for it, or by determining the procedures which lead to the state authority's punishment report or the criminal penalties imposed. In the next section, we will examine relation between crime and penal law, the Code of Criminal Procedure and the criminal policy to determine the links between criminology and the most important branches of forensic science. (Zeğlül, B. S. 2007, p.21.)

8.1. Criminology and Penology

We have clearly stated that criminology is engaged in the investigation of crime to define different factors, individual or social, that lead to the commission of the crime, in order to find suitable means of criminal functioning and to limit its influence. Penology is about the social reaction phase against the criminal's factions, that is, the application phase that fulfills these objectives. Despite the independence of both sciences on their own researches, the only thing they agree on in their quest to achieve a single goal is the "fight against crime". The intent of criminology is to examine the crime phenomenon in order to ensure the supremacy of law and to check it before it occurs. The relationship between criminology and penology is reflected in the fact that each one is a complement to the other and one of its instruments.

Effectiveness of punishment information in the selection of suitable means for the execution of punishment can only be achieved after knowing the offending crime factors and characteristics of the offender and this is the area of criminology. (Zeğlül, B. S. 2007, p.21.)

8.2. Criminology and Criminal Code

The Criminal Code includes a set of legal rules defining crimes, criminal penalties and other measures. Crime and criminal code, although the crime is related to the aim and the purpose of the struggle, the nature of each is different from the nature of the other. Criminology is a descriptive science in the sense of interpreting and interpreting criminal behavior. The Criminal Code is a fundamental or normative science that investigates crime as a legal event that identifies crime and its types and determines the criminal liability of the types of criminals. However, the reciprocal influence between the crime and the criminal law allows the criminal law to define the framework in which criminal investigations are carried out in relation to crime and criminal. (Zeğlül, B. S. 2007, p.21.)

8.3. Criminology and Code of Criminal Procedure

The Code of Criminal Procedure includes the procedural rules adopted by the state from the time the offense is committed to the final decision, including the investigation, prosecution and appeal procedures and the protection of the individual rights and freedoms of the persons under criminal proceedings.

. While it is clear that the scope of criminal law differs from criminology, recent trends in the Code of Criminal Procedure deals with the identity of the criminal and the danger of the character of the criminal to determine the criminal characteristics of the criminal or how dangerous it is to help the judge choose the appropriate measure. This is supported only by criminal investigations that examine the personal and social conditions of the crime.

For example, criminal trials have contributed to the adoption of certain legal systems for a number of important procedural systems aimed at the proper implementation of the criminal exclusivity principle, including the introduction of the judiciary, the modernity and the introduction to the executive judiciary. (Zeğlül, B. S. 2007, p.22.)

8.4. Criminology and Penal Policy

Criminal policy means that the legislator has a range of means that will lead to a fight against crime in society. In other words, the criminal policy relates to actions that can be punished by social interests, and the identification of actions that propose to remove crimes from the Penal Department and the determination of punishments and penalties that effectively reach their aims. Criminology has set criminal policy to define and regulate the general framework of criminal investigation, criminalization and punishment policy, although criminal science knowledge differs in the nature of its own work. (Zeğlül, B. S. 2007, p.24.)

CONCLUSION

Criminology has a great deal of prominence in many ways in investigating the factors that lead to the practical functioning of crime, as well as taking advantage of the legislative body and judge and the power of criminal enforcement. Criminology studies have produced reports through legislation to contribute to the fight against crime. These can be done by investigating the criminology obtained from studies on the classification of the offense according to different punishments, through a holistic study of the nature of the offense and the criminal nature of the appropriate treatment. In the light of these research and studies, the legislator may intervene by selecting appropriate penalties or social and precautionary measures for each group of offenders.

There is no doubt that criminology is the study of the legitimate child criminals who led them to establish themselves with a special punishment system that is different from that of adult criminals. Studies in crime area inform the criminal tribunal, the choice of punishment or the appropriate injunction for each charge. And to do this appropriately, the judge must be provided with the means to determine the criminal character of the criminal in order to measure the crime risk in society. This, of course, assists in fighting crime in the community by applying minimum or maximum punishment of crime or by taking precautionary measure instead of criminal punishment, or by preferring to suspend if the circumstances of the sanction require it. Recent studies in criminology allow authorities to perform punishments to select the most appropriate punitive and recuperative treatment for the punished person and to select the method of working in the penal enforcement agency by categorizing the offenders in terms of age, gender and crime. The choice of the criminal procedure is also based on the physical, psychological, mental and social examination of the criminal. This review contributes to the knowledge of the factors that lead to the commission of the crime, and it also helps to correct and remove them from the scene.

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