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Book review of

Principles of Criminology in Islamic context and recodification of crime prevention laws in Pakistan: A Critical Review of Dr. Abdul Majeed Aulakh's Work

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1. Brief Summary

Dr. Abdul Majeed Aulakh is a renowned Pakistani scholar, having expertise in criminology and criminal research. In his work, the author tried to analyze deviant human behavior. He emphasized on comparative study by explaining western criminal theories with special focuson Pakistani social and legal landscape.

The book under review is divided into following five parts:

I. An introduction, interdisciplinary science of criminology: It defines crime, history of the subject and different techniques for measuring victimization.

II. The Theoretical discourse, crime causation: Critical analysis of different western theories and comparative study with Islamic concept.

III. Typologies of crimes: Classification of crimes against person and property, assessing deviant behavior with reference to local and cultural behavior.

IV. Discourse on Pakistan's Criminal Justice system: Critical analysis and evaluation of various agencies work for criminal justice system and its reorganization with par of shariah law.

V. Special crime treatment in Pakistan.

VI. The author has focused to shift view of the society from the classical stereotype of crime and criminals, which is based on zer" (money), "Zameen" (land), and "zun" (woman), towards scientific approach, by considering the offender as a potential victim of the society, environment and external forces. He argues that deviant behavior of criminals is triggered by elements such as "shuhrat" (valor), "ghyrat" (frustration), "ghurbat" (poverty), and "jehalut" (illiteracy).

VII. The book has provided a comparative study of Islamic jurisprudence with western criminal theories and emphasized upon concept of "maximum control with minimum

tolerance" of deviancy. By explaining the history of criminology and various theories of criminology, the writer has tried to bridge the current and prevailing challenges of deviant behavior in Pakistan.

2. Critical Analysis and Reflection

The author, Dr. Abdul Majeed Aulakh, is a Pakistan based scholar of criminology with a background of critical and comparative analysis. He has a PhD decree in Criminal Justice and a Master's from the world-renowned John Jay College of Criminal Justice in New York and remained on renowned positions as Principal of Pakistan's Prisons Staff Training Academy.

He worked with the United Nations and aligned with various Pakistani police and judicial academies.

Dr. Aulakh's argues that deviant behavior is a universal phenomenon, however curable if society is spiritually strong. The author held responsible colonial past of Pakistan for current failures in criminal system. In his opinion Pakistani police still operates under the old 2 redundant rules of British colonial era, and presently it lacks legal and moral authority. Focus of the author is comparative study of western criminal theories with Islamic jurisprudence, while the former are un-certain, contradictory and overlapping and it lack the certainty provided by the Islam.

The Choice Theory emphasizes on rational thinking of criminals, weighing risks against benefits. In opinion of philosophers like Beccaria, speedy and hard punishments can deter the criminals. However, the ground realities of countries like Pakistan suggest otherwise, where deterrence and torture, has failed to achieve its goals. Instead, he opined that Islam provides for individual responsibility and "self-choice" with deterrence of divine

accountability, which is a more effective tool of controlling deviant behavior than mere state-sanctioned severity.

The author is also critical about biological and psychological theories of the west. The former explains deviant behavior is caused by some inherited biological defect (family traits,genes) and the latter as result of some mental damage or personality conflict from early childhood. In author's opinion it may describe an individual case but fails to explain variance in crime rates in different places and times.

The author is equivocally critical of Sociological and Conflict theories. He aligns with the validity of strain and Marxist theories. The former provides that poverty and illiteracy have critical role in promoting deviant behavior, the later states that laws are made for the benefits of strong and elites, and the makers are the law breakers. The author thinks that these theories identify these social conflicts, but failed to provide for any viable solution. Conversely, the concept of Islamic victimology provides for Qisas and Diyat, which is cost effective, satisfies the victim and rehabilitate the offender.

The author is critical of Pakistan's criminal justice system, being misfit and colonial legacy. He considers the police laws as redundant, lacking public trust and confidence.The prison system has failed to achieve its purpose of correction, rehabilitation instead it considers the inmates as social refuse, instigating them towards more sophisticated criminals. Comparing Islamic judicial system with the western, the later cause delay due to due process and provides for costly incarceration. While, the Islamic System is based on restorative principles of Qisas and Diyat, which guarantees swift and cost-effective adjudication, focusing on victim satisfaction along with offender rehabilitation. The author has criticized the inaction of institution dealing with terrorism and anti-women offences. He also pointed

out that deficiency of truthful witnesses/ evidence in Pakistan is hampering implementation of Islamic system.

It is admitted by the author that there is limited data on the idea, which too is disorganized, leads to major gaps. Pakistan, being Islamic country, does not adhere to strict Islamic principles; therefore, difficult to reach solid conclusion of the tendencies towards deviant behavior. Due to lack of local data, the work relies on comparison of western theories with Islamic ideas, resulted his conclusions more like theories than results based on real data.

The book suggests for total transition of current criminal justice system to a modern Islamic one. The author accepts formal scientific methods of modern investigation (autopsy, finger prints etc.) but conversely, advocates for informal, swift and community oriented Islamic adjudication and he fails to explain co-existence of these conflicting systems.

3 Despite of strong desire for implementationof Islamic criminal justice system in Pakistan, based on truthful evidence, he accepts weak social fabric to provide for truthful witnesses.

3. Personal Insight and Application

As a judge, this research work has provided for many challenges and important applications for our future roles as judicial officers. Aulakh's proposal for transition to a superior Islamic judicial model, where the judiciary has an active role is quite challenging. He suggests that our role, being judges, must transcend from passive procedural technicalities of Anglo system, under which we are currently operates, and often results in delayed justice, and in his opinion, it is in opposition of Islamic principles. This text compels us to reconsider our judicial system, which is mostly based on adversarial concepts, and to transformed it into more restorative and community-oriented.

In future, applying concept of this work, I will focus on the following areas:

- Restorative justice by satisfying the victim and to prevent the offender from being a social refuse in a failing prison system,
- Utilization of probation and parole,
- Keep a vigilant eye on police investigation and the quality of truthfulness of police reports.