

Criminology essays - crime and society in australia



Crime and Society in Australia

What is Crime?

Crime can be defined as breaking the law. The government or authorities usually set laws that the citizens must follow, punishment is prescribed for those who breach those laws. The laws provided by a state are an example of behaviour codes that influence society. The legal or criminal justice system enforces the law and punishes those who break it. There is a social stigma associated with crime. It is important to note that all breaches of the law are not criminal such as civil offences and breach of contract. The tag 'crime' is usually reserved for the offences that cause harm or injury to the public, individuals or the state. Social, political, economic and psychological conditions influence the definition of crime and how the law is enforced. These changes may criminalize or decriminalize behaviour. The statistics on crime will have to take this factor into account.

Who is the Criminal?

A criminal is deviant who does not follow social codes that exist in the society. Legally, a criminal is a person who breaches the law and commits a crime. This offender is tried before a court of law for breaking the law. A criminal is usually found to be guilty of the charges put against him/her. A sentence or punishment is given to such an individual. Get help with your essay from our expert essay writers...

Types of crime

In Australia crimes are legally classified as either indictable or non-indictable. Indictable offences are heard in a superior court in the presences of a jury. However, non-indictable offences are heard in magistrate courts and jury is not necessary.

Although there are many differences in the various jurisdictions, a conclusion was made that offences include; fraud, burglary, robbery, rape, assault and homicide.

Crime is categorized as violent, public order or property crime in the criminal justice statistics. Violent crimes consist of assault, sexual violence, robbery, kidnapping or abduction and homicide. Robbery to some extent is a property crime. Nevertheless, it's well thought-out a wicked crime since the risk of violence is a graver offence.

Criminal Justice organization in Australia

Australia's criminal law has evolved from the initial law adopted from the English common law. This central administration of this country is composed of the national government and six states. The commonwealth government enforces its own laws. Commonwealth offences include drug trafficking, breach of social security laws, property and personal offences that occur within the commonwealth. Every state has its own criminal law. States like; Tasmania, Western Australia and Queensland have enacted the criminal codes. This law also applies in other Australia states like those from the south and the new south of Wales.

Currently gender, race, policing, law and crime are some of the topics for debate in the criminal justice system. Stakeholders are keen on establishing a relationship between crime, gender, race and the legal justice system.

However, the issue has not received adequate media and political attention.

Gender & Race

According to statistics on Australia's workforce in criminal justice work there are more men compared to women. Information and statistics provided also shows Australian indigenous white male represent the largest population in the prisons. The author notes that the normal group of just about 2% of Australia's female population accounts for half of the overall number of indigenous Australian women who are in prison." These findings are astonishing.

In addition, statistics also reveals that majority of those working in criminal justice are white males. The population of indigenous white men is larger than that of indigenous Australian women. Evidently, there is a racial disparity in the workforce of the criminal justice system in Australia.

Policing

The role of the police in the legal justice system is analyzed by Cunneen in his book called, Administration, offence and clash: indigenous Communities and the law. The author examines the over-criminalization of Australia's indigenous people in relation to their colonial past. He developed a theory that there is a relationship between criminalization and colonization of the indigenous people. Cunneen gives attention to the role the police play in the

process of criminalization of the indigenous people. He notes that the law enforcers particularly the police have limited effectiveness; their policies and practices are shortcoming. The police need to change their colonial policing style and culture. A zero tolerance approach towards crime has been adopted however, it is important to protect human rights and to use good judgment.

Police have a vital role in crime prevention and reaction. However, more emphasis should be placed on crime prevention. The police need to organize targeted patrols, follow ups for victims with repeat allegations, faster improved response to victims, problem identification and development of solutions as well as cooperation with other law enforcing agencies. For this changes to take place successfully a cultural and mind set change is fundamental (Brereton 2000).

Age

The minimum age for trial in Australia's juvenile court and in the adult courts varies. Nonetheless, 7 years is the minimum age for trial in a juvenile court and 16 years for trial in an adult court in most states. In some jurisdictions criminal charges such as murder, rape and treason are tried in adult courts.

Sexuality

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Women have often been the victims of crime. A study was conducted on the victimization of women in Australia. The survey on sexual and physical violence was carried out on women between 18 to 69 years. The definition of <https://assignbuster.com/criminology-essays-crime-and-society-in-australia/>

physical violence included threats, arm twisting, attempted suffocation and use of weapons like knives or a guns. Forced sexual engagement, unwelcome sexual touch and attempts of sexual violence. According to the report 10% of the women who participated in the survey had experienced male violence that year or the previous one. The number of women who underwent bodily violence was twofold as high as that of the ones who experienced sexual violence. The statistics indicated that 5% of the physical violence was perpetrated by a non-partner while 3% of the sexual violence was also committed by a non-partner. The report defined a non-partner as a friend, relative, acquaintance, workmate or stranger.

General, partner sexual and physical violence are hardly reported to the authorities. Most victims find it easier to speak to their families and friends than report to the police.

Table 1: Reports by victims of violence to family members, friends and the police.

	Part ner viole nce	Non- partner violence
Fam ily	42%	51%
Frie	55%	57%

nds		
Poli ce	15%	16%

The main question here is why the female victims of violence fail to report to the police. One of the most common reasons given by the victims was that they thought the case was minor or they thought that nothing could be done to help them. Has the legal system failed those whom it should protect? Its necessary to evaluate how informed the public is on individuals rights.

Another area of concern is how much a person should take or allow them to be subjected to, in relation to violence before they can speak and seek legal justice.

In 2001 and 2002 about 18 women were victims of gang rape and assault. Some record of a bunch of criminals' rape committed by brothers from Pakistani is an example of such cases. Their victims were teenage girls from different ethnic backgrounds. The crime was comparable to Lebanese gang rapes in Sydney. Australia's law defines rape as " unlawful sexual act with another person by force; without their consent."

The rapists' record tape a great amount of their rape and this was used in court as evidence. The criminal justice system judged and punished the perpetrators. The " K" brothers were sentenced to 15 to 24 years imprisonment. They were convicted for a total of 70 years for the 28 rape charges against them. In November 2005, an appeal made by three of the brothers was rejected. Instead in 2006 there term was extended by the <https://assignbuster.com/criminology-essays-crime-and-society-in-australia/>

Supreme Court (New South Wales). One of the brothers however, committed suicide in his cell. By 2007 the brothers were to face additional rape charges.

During the court proceedings the issue of cultural difference between Australian and Pakistani culture arose. The rapist claimed that they did not understand what consent meant according to Australia's terms. According to them the girls' behaviour was a form of consent. They claimed that their victims behaved in a way that Pakistani girls would not especially if they were not willing to cooperate. The presiding judge dismissed their claims and openly told off their lawyer for making such an argument.

The above incident is an example of immigrants being the perpetrators of crime. The difference in culture is certainly no excuse for committing such crimes. It is important to question how allowing immigrants into Australia influences crime. Certainly, different definitions of crime exist in varying countries and culture. What actions are in place to make sure that the importance of Australia's population is safeguarded?

Women are also victims of trafficking in Australia. These women are usually trafficked from other countries especially Asia and forced to work in as sex workers. The media highlighted this issue and claimed that government agencies helped the perpetrator. According to the media the government mismanaged cases by victims of trafficking and deported those women without giving them any compensation for the crimes committed against them. In response Australia's parliament set up a joint committee to investigate the issue.

The committee's findings acknowledged that people trafficking is a major crime in Australia. Most of the trafficked people were unaware of the nature of work they would have to do in Australia. The committee was also concerned about the ease with which traffickers could access visas for hundreds of trafficked victims without raising any suspicion. Approximately 300 to 1000 women are trafficked into Australia annually. The trafficked women were forced to work not only in the sex industry but also in clothing and textiles, domestic work, construction and in the hospitality industry. Most of these victims were physically, sexually and mentally assaulted. Moreover, their working conditions were atrocious.

Immigration has increased in Australia. In the 20th century more Asians have immigrated to Australia. This has led to the increase of Asian gangs and criminal activities by these gangs in the major cities. Racial power struggles are evident even in politics. The 'one National party' was branded as Nazis by the Jews in Australia. The Australia-Israel Review printed the article with the aim of intimidating the party members. The efforts by the whites in Australia were ignored contrasting the Aborigines. The whites were doing what the Aborigines had done but their move was termed as racist.

The local people have in the past organized themselves on racial basis. They have also received unique handling from the government. They even have their own Aboriginal Law Council. The Aborigines account for 2% of Australia's population. However, according to statistics by the Australian Institute of Criminology the Aborigines make up 30% of the inmates. (Argus, 1985).

Recent years have also witnessed crimes organized by a race against another. For instance the 2005 racial violence in Sydney is an example. There was a week long all attack on Muslims following an alleged attack of life guard in North Cronulla beach by a Lebanese man. Innocent people were attacked as gangs took advantage of the situation to target individuals based on their race. The government and the media did not do much to calm the situation. Moreover, to some extent the government was responsible for fuelling such an attack. Since the September 11 terrorist attacks Muslim-Australians were subject to state surveillance, police raids and fear mongering. Media coverage on war on terrorism worsened the situation making all Muslim Australians to be labelled as terrorists. Media coverage on the Sydney riots appeared to support the violence. For instance, the Daily Telegraph, December had the heading " Fight for Cronulla: we want our beach back".

Past rape cases that in involved Lebanese men give justification to the attackers to claim that all Lebanese men are rapist. Clearly, such a claim has no basis because a number of Lebanese men were convicted of the crime it does not justify the punishment of an entire race. Terrorism is one of the challenges that this generation has to address. However, it is not justified to attack person and destroy property belonging to people because they belong to a particular race that is accused of terrorist acts.

The division on racial lines was evident in the riots with different groups lashing out at others openly. The world is quickly becoming a global village. Therefore there is a need to understand, accept, cooperate and work with people from different cultures, races, ethnicity and religion. Tolerance should

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be emphasized in the current generation not violence or crimes against any particular race.

A study done by the Australian government on juvenile offending revealed that ethnic minority youth were more likely to be offenders. Unemployment among the youth (15-19 years of age) was the main reason for engagement in crime. The unemployment rate for the minority youths was three times higher than the general unemployment rates of other youths. For instance the unemployment rate for Vietnamese Australian males doubles that of the general Australian youth rate. (HREOC 1993: 223)

The report by the Australia Bureau of Statistics showed that juveniles accounted for 13% of those in police custody. In 2003, persons between the ages of 15 and 19 accounted for the highest crime rate and booking. The juvenile offenders were four times more than the other offenders. Juvenile offenders were mostly charged with unwanted entry, theft, assault and motor vehicle theft. Cases of juvenile homicide, sexual violence, robbery and fraud were very minimal. (ABS 2003)

It is a matter of concern that youth engage in crime either individually or in gangs. Unemployment is one of the reasons given for this behaviour. However, it is necessary to examine racial employment discrimination in terms of race. Statistics have shown that there is a large disparity between unemployment rates of minority youths with that of youth in general.

A report by Australia Criminology Department showed that female homicide offenders were highest among 20 to 24 year olds. This was the same case

for the men. (2003). Homicide cases for female offenders between 15 to 24 years of age had fluctuated in the 1990's.

A testimony by the Program of State Homicide Monitoring revealed that in 2003 there were 341 cases of homicide in Australia. This was a 6% decrease compared to the findings of the previous year. Murder cases accounted for 89% of the homicide case in 2003 while the rest were manslaughter.

Domestic related disputes were responsible for most of the female homicide incidences. The female victims were killed due to disputes related to child custody, break ups in a relationship and other partner conflicts.

However, most of the homicide victims were male. They accounted for 67% of the homicide victims with men between the ages of 25 and 44 being the largest target. Compare to the women at all ages the male homicide victims were more expect for ages under 15. The female homicide victims had decreased by 15% compared to a survey done the previous year. (Australia Bureau of Statistics 2004)

A survey done in South Australia, Queensland and Victoria indicated that 175, 872 offenders were booked in 2003. 138, 232 were male while 37, 640 were female. Compared to the females, males were four times more likely to be offenders. The offending rate for men was 3, 148 per 100, 000 (Chris 1998).

Rehabilitation of the inmates is a subject that needs to be given priority as far as enforcement of the law in Australia is concerned. Research has revealed that rehabilitation of female inmates seems to emphasis on those convicted of minor offences compared to those who have committed criminal

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offences like homicide. The research reveals that female prisoners with long term charges have limited and impersonalized rehabilitation.

CONCLUSION

Juvenile crime cases have increased worldwide. However, the crimes performed by the deviant youth are not as serious as those perpetrated by adults. In Australia the juvenile offenders rate has doubled, with most of the perpetrators been male youths. (AIC 2003). It is argued that the main reason why juvenile booking rates have increased is because the youth are easier to arrest and prosecute. Their level of crime organization is generally less complex compared to that of adults. The main concern is how to rehabilitate youth crime offenders so that they do not continue to engage in crime in their adult life.

Generally, fewer women are perpetrators of crime compared to men. However, they are often victimized, in relation to sexual or physical assault. The victims of human trafficking in Australia are mostly women.

Crime rates are higher among certain races in Australia, especially among the minorities and the immigrants. This is mainly due to the racial disparities that exist in terms of employment opportunity and discrimination.

Australia has made various initiatives to stop crime. As part of a crime prevention effort the National Community Crime Prevention Program was instituted in 2004. Its grant program received a funding of \$ 65. 5 million for the period between 2004 and 2008. These funds were to support grass root

programs on crime prevention, improve safety in the community and reduce the fear associated with crime.

The public, politicians and law enforcers should focus on crime prevention. It's of utmost importance to change the perception on crime. It is not enough to react to criminals acts by arresting, taking to trial and convicting perpetrators. The government and its legal agents need to examine what can be done so as to address the issue of crime before it occurs. Prevention of crime should be given more attention. Instead of hiring more law enforcing officer, building more prisons and funding the criminal law justice system the funds can be used to improve development in the country.

It is not enough to set up agencies to address the issue of crime. More far reaching initiatives need to be taken. Issues such as perception, equality in terms of opportunities and affirmative action for minorities, culture change and enforcement of the law without any bias should be considered in relation to crime and crime prevention.

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