Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

A criminological interpretation of crime and reflections on the Brazilian prison population

A interpretação criminológica do crime e reflexões acerca da população carcerária brasileira

La interpretación criminológica del delito y reflexiones sobre la población penitenciaria brasileña

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Abstract:
Criminology is one of the pillars of criminal science. It seeks to study and explain offenses, offenders, victims and the social control of crime. It aims to understand the factors and circumstances that lead a person to engage in conduct considered criminal, using its own investigative methods to achieve this objective. This study examines the criminological interpretation of crime through its theories, addressing its origins and causes. It adopts a hypothetico-deductive approach supported by bibliographic research.

Keywords: Criminology. Crime. Prison system.

Resumo:
Entre os pilares das ciências criminais, encontra-se a criminologia, que é uma ciência que visa estudar e explicar os delitos, o criminoso, a vítima e o controle social do delito. Ela busca ter uma real compreensão sobre os fatores e fatos que levam uma pessoa a praticar uma conduta considerada criminosa, fazendo isso por meio de um método próprio de investigação para que consiga alcançar seu objetivo. O presente trabalho tem como objetivo estudar a interpretação da criminologia sobre o crime, por meio de suas teorias, abordando sua origem e suas causas. Para tanto, utiliza-se o método de abordagem hipotético-dedutivo, através de pesquisa bibliográfica.

Palavras-chave: Criminologia. Crime. Sistema prisional.

Resumen:
La criminología es uno de los pilares de las ciencias penales y tiene como finalidad estudiar y explicar los delitos, el delincuente, la víctima y el control social del delito. Busca comprender los factores y hechos que llevan a una persona a realizar una conducta considerada delictiva, utilizando un método propio de investigación para alcanzar su objetivo. Este trabajo tiene como finalidad estudiar la interpretación criminológica del delito mediante sus teorías, abordando su origen y sus causas. Para ello, se utiliza un enfoque hipotético-deductivo a través de una investigación bibliográfica.

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Palabras clave: Criminología. Delito. Sistema penitenciario.

Introduction

Among the pillars of the criminal sciences is criminology, which is a science that aims to study and explain the crimes, the criminal, the victim and the social control of the offense. It seeks to have a real understanding of the factors and facts that lead a person to practice a conduct considered criminal, doing so through a method of investigation itself so that he can achieve his goal.

Therefore, in the present work, the view of criminology on crime and the criminal will be addressed, its historical origin, its development, as it was conquering space in the criminal sphere, its theories, and what are the new criminological trends today.

Given the high rates of violence and social exclusion that Brazil has been suffering, it is necessary to reflect on the concept of crime, and the deviant conduct about criminology. Hence the following question arises: How does criminology interpret crime and what is its contribution to better understanding of criminal behavior?

In this sense, a brief approach will be made on the prison system and the reflections of society in the prison population, since this group is already marginalized and excluded even before prison. Thus, the study of criminology is necessary to better understand the ethical and moral values of the current society, based on the study and normative concept of crime.

The main objective of the study is to present criminology and study its theories, concepts and interpretation of crime, to highlight its difference with criminal law as well as to reflect on the social aspect of the prison population and some problems of the prison system that are the result of a society that segregates individuals.

The justification of the present study is given to the extent that violence and criminal behavior increase in society, and it is essential that what causes criminal behavior is understood and what is the concept of crime for criminology, which studies the roots of the problem, so that it is possible to think about ways to reduce crime, and reverse the segregation of certain social groups, especially the prison population.

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RCMOS – Revista Científica Multidisciplinar O
Saber. ISSN: 2675-9128. São Paulo-SP.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

Criminology: theory, concept and interpretation of crime

Criminology derives from the Latin crimino (crime) and the Greek logos (study), thus meaning the study of crime (LIMA JÚNIOR, 2014). However, criminology is a general term referring to interconnected topics, which Shecaira identifies as follows:

> The study and explanation of the legal infringement; the formal and informal means that society is used to deal with crime and deviant acts; the nature of the attitudes with which the victims of these crimes will be met by society; and, lastly, the focus on the author of these deviant facts (SHECAIRA,2013).

The study of criminals and their behavior is a broad and diverse field for research in different areas such as psychiatry, psychology, sociology, anthropology and law. Therefore, any concept that is made about criminology is faced with different perspectives of the human sciences (SHECAIRA, 2013).

Most of the doctrine considers criminology as science, given that it has its own function, method and object, as Farias Júnior defends:

> Criminology is a science because it satisfies the requirements of Epistemology, since it has a specific object that is the criminal man and criminality; it uses its own method that is the inductive, starting from the exogenous and endogenous inflows (factors) to reach the formation of the dangerous and/or antisocial character of the delinquent; it relies on history, Statistics, Sociology, Biology, Anthropology, Psychology, Psychiatry and other human and social sciences [...] It is science because it is finalistic, that is, it aims at public security and social peace, therefore, Criminology is a science that differs from the exact sciences, since these have immutable and inflexible laws (FARIAS JÚNIOR, 2012).

However, one can reach a line widely followed in relation to the definition of criminology,

> An empirical and interdisciplinary science concerned with studying crime, the offender, the victim and the social control of criminal behavior, and with providing valid, verified information about the genesis, dynamics and principal variables of crime—considered both an individual and a social problem—as well as effective crime prevention programs and techniques for positive intervention with offenders (SHECAIRA, 2013).

From this definition, it is possible to distinguish between criminology and criminal law, which is considered as “the set of legal rules by which, the State prohibits certain actions and omissions, considered reprehensible, under threat of criminal sanction characteristic” (FRAGOSO, 1986), or also as “a set of legal rules that regulate the punitive power of the State, associating the offense as a presupposition of the penalty and this as a legal consequence of that” (MEZGER,1949).

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

Thus, it is perceived that criminology is concerned with the study of the crime, the offender, the victim and the social control of the crime, doing this in an interdisciplinary way, not focusing on only one rigid ideology, it aims to know the reality so that, then, explain it based on all the factors that served as the object of study, thus possessing the power to transform it (SHECAIRA, 2013).

Criminal Law, on the other hand, is limited only to the criminal reality, based on principles such as fragmentation and selectivity, and seeing the behavior of society and/or the human being from the perspective of the typical model, that is, if the conduct that a certain agent practices falls within some type of criminal law provided for in law, is concerned only with crime as a fact described in the legal standard (SHECAIRA, 2013).

Another difference to be highlighted is that criminal law discusses rules that interpret its internal connections, systematically, it interprets the norm and makes its application to the concrete case from its system, it has a legal-dogmatic method, it proceeds deductively, and has a formal and normative nature. Criminology, on the other hand, is an empirical science, it charges the investigator to make a total analysis of the crime, without formal or valuative mediations that can make its diagnosis in a relative way (SHECAIRA, 2013).

Criminal law is concerned with punishing and does not care about criminogenic factors, while criminology acts in a preventive way and is based exclusively on the causes or criminogenic factors that contributed to the criminal behavior of man. Thus, for Farias Júnior, there are two visions, one of criminology and the other of criminal law.

> We are in the world of BEING. Criminology seeks to understand how this BEING became a criminal and seeks ways to prevent the causes that led them into the world of BEING. If a crime nevertheless occurs despite these measures, it seeks other effective ways to prevent reoffending. Punishment is not the answer, because it does not prevent crime: it attacks the effect and is therefore ineffective; it neither deters nor rehabilitates. For the preventionist, criminal conduct must be corrected (FARIAS JÚNIOR, 2012).

In turn, in the view of criminal law,

> We are in the world of OUGHT TO BE PUNISHED. Evil for evil. Payment in the currency of suffering, but suffering within an environment burdened with social ills [...] Criminal law considers its mission complete once it has punished. Crime therefore increases to the point that the number of criminals in Brazil is unknown (FARIAS JÚNIOR, 2012).

Thus, criminal law and criminology are presented as two disciplines that have the same objective with different means: criminology with the perspective and knowledge of reality, and criminal law with the valuation that interests him of this same reality, both of which are

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

considered two of the three pillars that support the system of criminal sciences (SHECAIRA, 2013).

Similarly, unlike criminal law, criminology has a different view on the interpretation of the crime; for the law, offense is the typical, illicit and culpable action or omission, concentrating its view on the behavior of the individual and making a judgment of subsumption of the fact to the norm.

For criminology, however, this concept becomes unsatisfactory, given that for it, crime should be viewed as a community phenomenon and a social problem, and, in the words of Shecaira, some questions should be asked, such as:

> What factors lead people living in society to "promote" an ordinary human act to the status of a crime? Clearly, the development of new technologies continually calls for new interventions in criminal matters. This is how crimes involving bioethics or information technology arise. However, what led people, at some point in their historical development, to decide to criminalize the cutting of certain trees, something humanity had done for centuries without any government action to curb it? Or why, after centuries of being hunters, have people now begun to punish those who hunt certain animals indiscriminately? In other words, what we want to know is: what criteria lead to the establishment of a criminal offense? (SHECAIRA, 2013)

Based on considering crime as a social problem and having as reference pre-penal human acts, for criminology some criteria should be taken into account so that these acts/facts are effectively understood and recognized by the collectivity as a crime (SHECAIRA, 2013).

And, according to Shecaira, they are the following: the fact has a massive incidence on the population, that is, in order for a certain conduct to be considered a crime, it is necessary that it be something that happens repeatedly, constantly in society, something that is in the daily lives of people in the usual way, and not merely some fact that occurs once every one year, for example, or some fact that occurs in an isolated place in the country and that rarely happens again, or repeatedly, even if this single fact has caused some discontent or strangeness on the part of society (SHECAIRA, 2013).

The second point to be taken into consideration is that there is an afflictive incidence of the fact that has been practiced, so that this fact is considered a crime it must awaken either in the victim and in his family, or in society in general, a feeling of pain, revolt, something that in fact bothers and causes people to care about what happened and do not want it to happen again, that is, it must have social relevance, it must awaken in people the punitive sense so that the practicing agent of conduct is taken and punished in the criminal sphere of criminal law (SHECAIRA, 2013).

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

The third element to be observed is that there is space-temporal persistence of the fact, it must be distributed throughout the territory over a certain time, it does not have to be criminal a fact even though massive and distressing if it does not distribute itself across the territory. An example of space-temporal persistence is what happened with vehicle thefts, because of its reiteration, harmfulness and space-temporal, the legislator forced to increase the penalty of this fact in case the vehicle is transported to another state or country (SHECAIRA, 2013).

And finally, the fourth element to be observed is that there should be an unequivocal consensus on the origin of the fact and which intervention techniques would be more effective for its combat. In other words, there must be a consensus on what measure should be adopted for a given fact, sometimes as much as a certain fact is massive, distressing and has space-temporal persistence, it should not be considered a crime, because its prohibition and/or typification would trigger the occurrence of several other types of crimes that would be more serious for society than the practice of the first to be prohibited.

A clear and very close example of society is alcohol, there is no doubt that its indiscriminate use produces massive, distressing consequences and that its consequences are space-temporal; however its prohibition would only generate the occurrence of more criminal facts, social instability and even political. Thus, should not be all the afflictive, massive and persistent facts temporal space considered crime (SHECAIRA, 2012).

So, from the perspective of criminology, for a fact to be considered a crime and for there to be any type of criminal reform, there must be a reflection and investigation about the fulfillment of these four criteria that have been described to confirm the need for the existence of each criminal fact.

Criminology is a human and social science that studies the criminal man, the causes that led the individual to practice the fact classified as a crime, as well as the factors that contributed to the formation of his dangerous character, and when studying the criminal man, in fact what he is studying is his profile, and the reasons that led him to do such an act.

The criminological investigation is different from that carried out by detectives who seek the connection between criminal behavior and crime or, still, the one performed in judgment that aims to prove the existence of a causal link between the fact practiced by the accused and the result forbidden by law.

On this point—the causal link needed to prove a fact—criminal law recognizes causation. However, when asked why a person becomes a criminal, it simply holds that they choose to do so, since they possess free will. Criminology does not share this view: as a science,

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

it seeks to identify the factors that led the individual to commit the act (FARIAS JÚNIOR, 2012).

For criminology, the question concerns more than who committed an act or whether a particular person engaged in particular conduct. It seeks to understand why that person acted in that way. More broadly, it investigates why a type or group of people commits crimes indiscriminately or commits only certain kinds of crime. In other words, it seeks to diagnose human behavior so that it can subsequently be addressed (FARIAS JÚNIOR, 2012).

From the criminological perspective, three principles can be reached regarding the conduct of the offender, who, according to the thought of Farias Júnior, are:

> 1- Nothing exists without prior generating cause. That is, the dangerous and/or antisocial character of the delinquent does not come from his free will, his free and spontaneous will, but from causes and criminogenic factors;
> 2- Avoided or eliminated the cause or criminogenic factors, there is no way to have an effect. That is, if a child or adolescent is in the eminence of, in the future, losing himself in marginality or crime by receiving deleterious inflows or at risk of losing himself because of these inflows, it will have to be removed from the environment in which he is and taken to a recuperation center, to receive intellectual, moral and professional training, and only then the causes will be avoided or eliminated, and that minor will be free from being a marginal or criminal of tomorrow; if he has already committed the crime, he will have to be segregated for recovery purposes in an ideal establishment, only returning to society when he is worthy of social coexistence. Only in this way will social prophylaxis be done, and society will be free of criminals;
> 3- Character gives the will its disposition to act. The will does not act independently, but in accordance with character. If character is good and morally well formed, the will will not act to pursue bad ends; if character is bad and morally poorly formed, the will can only act to pursue bad ends. A well-formed individual will not act to pursue criminal ends (FARIAS JÚNIOR, 2012).

So, in order for an individual to become a criminal, several types of factors, conditions and occasions compete that propitiate his conduct.

> Criminogen factor also called the conditioner of criminal behavior, is all that, due to its characteristics or conditions, leads to the practice of crime, corresponding to the vast study of what is called Criminogenesis or Crime Etiology (FARIAS JÚNIOR, 2012).

According to Orlando Soares, criminogenic factors can be classified into three categories, namely:

> Endogens (anthropological, pathological genetics: related to heredity, psychic disorder etc.) ; Mesological exogens (referring to the environment, arising from air, noise and aquatic pollution, harmful use of fertilizer, preservatives, detergents, insecticides, pesticides, industrial waste, radio-electricity, drugs, harmful remedies etc.) ; Sociologicals (referring to the social environment, such as inequalities and social injustices; disordered and elitist economic development; social failure, harmful media employment etc. (SOARES, 1978).

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

As unlikely as it may seem, geographical situations and climatic factors have interference in criminal activity, for example, in hotter days or seasons people usually leave home, stroll, increase interpersonal relationships, which sometimes also increases conflict situations, people become more exposed, and promote the practice of crimes against the person. Unlike cold days and seasons, where people usually stay in their homes, external personal relationships decrease, the night increases, and, on the other hand, darkness favors the practice of crimes such as theft and robbery, property crimes (FARIAS JÚNIOR, 2012).

Just as crime stems from causes, delinquent or criminal man is also the product of factors called criminogens, which are those that favor the installation or maintenance of criminal acts.

One of the first topics to be studied in the field of criminal sciences was crime, which was understood as a legal entity, and therefore everything that was studied and/or researched was focused on it, until a new perspective of the positive school emerges focused on the study of the delinquent, and from it four currents (SHECAIRA, 2013).

The first great theory that arose was that of the so-called classics, arising from the thought of Jean Jacques Rousseau and established in his work “The social contract”. According to the understanding brought by the work, the criminal was a sinner, someone who chose to follow the path of evil although he could and should respect the law that was imposed on him.

According to this theory, society had a kind of pact, where each individual gave up part of their freedom to adopt certain rules that should be observed and followed by all. As the pact was adjusted and everyone had an understanding of what they were adhering to, if anyone broke it would be doing it of their own free will, using their free will. So, if someone practiced a crime, he should be punished for breaking the covenant and for the evil that caused the community, in proportion to the damage done.

However, this theory suffered strong criticism from positivist authors who emerged with a second view on the subject. For these authors, the criminal was a slave to his hereditary burden, “for them free will was a subjective illusion, something that belonged to metaphysics. The offender was a prisoner of his own pathology (biological determinism), or of other causal processes (social determinism).” (SHECAIRA, 2013).

The third theory under the correctionalist view understood that the criminal was an inferior being, incapable of making decisions and directing his life freely, and that there should be a guardianship intervention on the part of the State, given that his will was deficient. For this current, the criminal was weak, and had to have his will directed, therefore unable to enjoy his free will (SHECAIRA, 2013).

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

The fourth view on the criminal was that of Marxism, which understood that the criminal was a mere victim of the economic structures imposed by society, and that this was the real responsible for the crime (SHECAIRA, 2013).

It is argued that the criminological approach is part of the real world, in the world in which one can see a certain situation in practice, based more on facts than on opinions or normative knowledge. Among the methodological forms that exist for better understanding of reality, there are so-called social surveys.

The social surveys, in summary, are direct interrogations that are made by a team to a certain and considerable number of people on some points that are critically relevant, and, at the end of the survey, the results are presented in diagram form (SHECAIRA, 2013). These surveys had theoretical origin at the University of Chicago, and have become popular to the point that there is no kind of criminological intervention on a scientific basis without this empirical method being used.

It is not possible to fight a certain type of crime without a mapping of crime, a survey of how crime is committed. A comprehensive strategy should be formed for then a prevention project is formed and does not waste public resources (SHECAIRA, 2013).

From these different theories, methods, and discussions pointed out, it can be understood that for criminology,

> The criminal is a historical, real, complex and enigmatic being. Although usually an entirely normal person, the offender may be subject to environmental influences, rather than determinisms. While conditioned by circumstances, the individual has a will of their own and an extraordinary capacity to transcend, overcome the legacy they have received and construct their own future. Like all of us, the offender is subject to a collective consciousness, yet also has the unique capacity to retain an individual opinion and surpass themselves, transforming the world and themselves. Thus, these different perspectives do not exclude one another; rather, they complement one another and provide a broad mosaic upon which contemporary criminal law rests (SHECAIRA, 2013).

Thus, it is understood that criminology is concerned with understanding and going deeper into the criminogenic factors that lead the human being to practice a criminal fact, for only after this analysis seek the best solution for the concrete case, thus viewing the delinquent as another consequence of society.

Prison overcrowding is one of the problems of the prison system in Brazil, which generates the need to discuss issues such as recidivism, prison control system, prison violence, criminological examinations, public policies, among other issues that could be efficient for the improvement of the system. In addition to overcrowding, the prison system has not been able to achieve its objectives foreseen by law, which ends up generating a “snowball” in the

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

problems, given that by not reaching its goals the numbers of recurrence increase, which increases the number of prisoners and so on.

Law No. 7.210 of July 11, 1984, which established the Criminal Enforcement Act, states in Article 1 that criminal enforcement aims, in addition to implementing the provisions of the judgment, to "provide conditions for the harmonious social integration of convicted persons and persons subject to institutional treatment." In other words, it requires the system to provide conditions enabling individuals to rejoin society after serving their sentences and to refrain from further criminal behavior.

As stated, the prison system has failed to meet its objectives, and the reality is that

> Convicted individuals entering the prison institution are increasingly developing a social conduct of typical criminal and criminal behavior, often establishing themselves in the various criminal organizations developed inside and outside prisons, bringing with it the high rates of recidivism. It is remarkable that "the crime industry" within prisons, organized crime often established there, produces the biggest criminals and professionals who will return to society (MOTA; SILVA, 2020).

Furthermore, it should be taken into account that there is a correlation between the growth of social inequality and the increase in crime rates, given that "individuals without decent access to health, housing and welfare tend in many cases, with the aim of getting what they lack, to get involved with crime" (MATA; AFONSECA, 2016).

> In Brazil, as in other countries, the prison population has increased dramatically. Mass imprisonment seems to reflect a structure of contemporary domination in which the isolation and neutralization of people from less privileged classes predominates. For Loïc Wacquant (1991), this penalty – which he called "dictatorship over the poor" (p. 6) – seeks to repress severely the disorders caused by the deregulation of the economy, the desocialization of wage labor and the impoverishment of the urban proletariat, increasing the intensity of the intervention of the police and judicial system (BARCINSKI; CÚNICO, 2014).

In this sense, it can be seen that the increase in the prison population is related to a response to social insecurity "caused by the high rates of racial segregation and class segregation, than in response to an alleged increase in crime". In general, and as indicated by the National Council of Justice – CNJ, the social characteristics of the inmates are marked by "deficit education, juvenile infraction, drug use and involvement with trafficking" (BARCINSKI; CÚNICO, 2014).

We call attention to the "social vacuum" who became the Brazilian prison system, in which the increase of its population is due more to a policy of repression and criminalization to poverty, than to a policy capable of reducing criminal occurrences. [...] Of the total number of prisoners, 77% had not passed elementary school. We can say that most incarcerated people are of very low education. [...] When it comes to the problem of violence, young people take a

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prominent position. For example, homicide rates are higher among youth groups. According to data from the Map of Violence (2010),8 victims aged 15 to 24 years accounted for 36.6% of the total number of homicides in the country. Faced with this scenario, it was agreed to state that while young people are victims of homicides, they are also the tormentors, that is, young people are the ones who die the most, but they are also the ones who kill the most. [...] Young people are not only victims of homicides, they are also easy targets of the criminalization process and selectivity of the criminal system. Of the entire Brazilian prison population in 2010, 58% were between 18 and 29 years old. It is a complex picture that is outlined with the early insertion in prisons and contributes to a "criminal career"(MONTEIRO; CARDOSO, 2013).

When reflecting and observing social relations, they perceive their great changes over the years. Just as in the past certain attitudes and customs would be thoughtless and never accepted, and that, nowadays, they are just another factor of everyday life, currently habits and beliefs of the past no longer fit into society.

> Principles, values, morals and ethics are mixed with the need to survive and with the will of immediate justice. In a society where having it is more important than being, where power has more prominence than need, the path to be followed is competition -> violence -> conquest (SILVA, 2013).

There are many factors that can lead someone to commit a crime, or deviant conduct. These factors can arise from a mental disorder to social conflicts of a family, loving or financial nature, for example.

From the development of capitalist society, a global movement makes illegality derive, and it is understood that

> [...] crime is the attribute of a minority of socially dangerous individuals who, whether due to physical anomalies (biopsychological) or environmental and social factors, have a greater tendency to commit crimes. Being a revealing symptom of the more or less dangerous (anti-social) personality of its author, for which an adequate social defense should be directed, crime constitutes a property of the person who completely distinguishes it from normal individuals (ANDRADE, 1997)

This ideology of social defense is part of a dominant philosophy in legal science, and also of common opinions, covering both the men of the law and the men of the street. It can be reconstructed with a series of principles, which are: legitimacy; of good and evil; culpability; purpose; equality and social interest and natural crime (BARATTA, 2002).

The principle of legitimacy guides that the State, because it is a representative of society, is legitimate to repress those conducts considered as a crime, and also criminality, which is the

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

result of the conduct of certain individuals, and these, must be punished, because society reproves and condemns that deviant behavior (BARATTA, 2002).

For the principle of good and evil, crime is seen as harm/danger to society, and those who practice it cause a negative action in the face of the positive action of society as a whole, fleeing the rule of the social system, being seen in a bad way before society, and the deviation as evil, while the society constituted, the good (BARATTA, 2002).

The offence, for the principle of guilt, is the expression of an individual attitude, internal and reprehensible, because it goes against values and norms that are present in society, even before being typified (BARATTA, 2002).

For the principle of purpose, or prevention, the penalty should not only have a retributive character, but also a preventive one, creating a counter-motivation to criminal behavior, so that crime does not occur again. In this sense, the principle of equality understands that crime is a behavior of a minority of society, however, criminal law is equal for all, and therefore the application of criminal law is equal to offenders (BARATTA, 2002).

The core of the offences defined in the Penal Code represents an offence to the fundamental interests of all society and, therefore, these rights that are protected are common interests of all citizens. That is, for a conduct to be considered deviant it must go against social welfare, and be disapproved by society. That is the understanding of the principle of social interest and natural crime (BARATTA, 2002).

It is important to note that crime occurs in all social strata, however, criminalization is unequal, or selectively distributed by the criminal system. Thus, the poor do not have a greater tendency to commit a crime, or a deviant conduct, but rather to be criminalized. In this sense, one can conclude that:

> a) Criminal law does not defend all and only the essential goods in which all citizens are equally interested and when it punishes the offenses to essential goods, it does so unevenly and partially (“fragmentary”);
> b) Criminal law is not the same for all. Criminal status is unequally distributed among individuals;
> c) The effective degree of protection and distribution of criminal status is independent of the social damage of actions and the severity of infringements of the law, as these are not the main variables of criminalizing reaction and its intensity (ANDRADE, 1997).

Thus, it is evident the contradiction between formal equality of subjects of rights, and substantial inequality of individuals, which in an analysis to the specific case, is often at the chance that certain classes of people have to be defined as criminals (ANDRADE, 1997).

It can be concluded, therefore, based on the criminological aspects, and, in the general common sense of society, that criminalization occurs unevenly, especially with regard to the

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

prison population, which ends up being a portion of the selectivity that is distributed by the penal system.

Conclusion

From the study carried out, the origin of criminology is observed, which is presented as a more comprehensive form of study of crime and its social context, through the forms of social interaction, such as art, music and dance, to better understand the factors that lead the human being to practice the behavior of social transgression, and from this new understanding assist in solving problems related to crime focusing on the prison population, which, as demonstrated, presents a profile of poverty, lack of education and history of social exclusion.

In this sense, we sought to understand the concept of crime and criminal behavior from the perspective of criminology, as well as to reflect on the social profile of the prison population, which are largely the result of social segregation, live marginalized and are not accepted by most of the population, even after the fulfillment of their sentence, which generates a social malaise in relation to them as well as the cause of the recurrence of criminal behavior.

It can be concluded, therefore, based on the criminological aspects, and, in the general common sense of society, that criminalization occurs unevenly, especially with regard to inmates, who end up being a portion of the selectivity that is distributed by the criminal system.

Thus, understanding crime and criminal behavior from the perspective of criminology is important for society, given that only knowing about the causes and how crime occurs is that it can be treated preventively, so that crime does not occur and there is no segregation of social groups.

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Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

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