

Metaphysical interpretation of criminal behavior**التفسير الميتافيزيقي للسلوك الإجرامي**

Assistant Professor : Gherma Daouia*

University of Algiers 1, (Algiers) Criminal
sciences Laboratory Criminal Policy DivisionD.gherma@univ-alger.dz

orcid 8484-0719-0000-0009

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• Abstract:

Jurists, philosophers and even scientists have tried to explain the criminal behavior of humans to know the reasons and motives that drove them to commit the criminal act, but most studies did not provide the real reasons. There are those who interpreted criminal behavior as a phenomenon resulting from the biological composition of humans, and there are those who interpreted it as a result of the social environment in which the criminal lives, and there are those who interpreted it as a result of the nature in which the perpetrator of the criminal act lives. They all agreed that the criminal phenomenon is due to the reality in which humans live, but philosophers went further than that, so they interpreted the criminal phenomenon from another angle, which is that the crime can be explained beyond reality and outside of nature, so they interpreted it metaphysically, and this is what we will address in this study.

Keywords:

Criminal phenomenon, behavior, metaphysics, karma, crime.

المخلص :

حاول الفقهاء والفلاسفة وحتى العلماء تفسير السلوك الإجرامي للإنسان لمعرفة الأسباب والدوافع التي دفعته لارتكاب الفعل الإجرامي، إلا أن أغلب الدراسات لم تقدم الأسباب الحقيقية. فهناك من فسر السلوك الإجرامي على أنه ظاهرة ناتجة عن التركيب البيولوجي للإنسان، وهناك من فسره على أنه نتيجة للبيئة الاجتماعية التي يعيش فيها المجرم، وهناك من فسره على أنه نتيجة للطبيعة التي يعيش فيها مرتكب الفعل الإجرامي. وقد اتفقوا جميعاً على أن الظاهرة الإجرامية تعود إلى الواقع الذي يعيش فيه الإنسان، إلا أن الفلاسفة ذهبوا إلى أبعد من ذلك، ففسروا الظاهرة الإجرامية من زاوية أخرى، وهي أن الجريمة يمكن تفسيرها خارج الواقع وخارج الطبيعة، ففسروها تفسيراً ميتافيزيقياً، وهذا ما سنتناوله في هذه الدراسة.

الكلمات المفتاحية : الظاهرة الإجرامية، السلوك، الميتافيزيقا، العقاب الأخلاقية، الجريمة

• Introduction :

Crime has long preoccupied philosophers and thinkers, transcending its status as a mere punishable act to become a subject of contemplation on the nature of good and evil, moral responsibility, and free will. From a metaphysical perspective, fundamental questions arise about whether criminal behavior stems from free choice or is it the inevitable result of external circumstances. Does a person commit a crime out of self-motivation, or are there unseen forces influencing their actions? This philosophical view is close to existentialist concepts, where crime is sometimes viewed as an

expression of the individual's will to create meaning in their life. It also overlaps with predestinationist concepts, which hold that humans may be merely a tool for implementing a predetermined cosmic plan. This article aims to explore these metaphysical dimensions of crime and analyze how they interact with ethical and philosophical theories. Therefore, in the first section, we attempt to define the concepts of criminal behavior and metaphysics, then highlight the most important implications of metaphysical interpretations on procedural behavior and the extent to which metaphysical interpretations can provide the reasons and motives for human criminal behavior.

1. Conceptual Framework of Criminal Behavior and Metaphysics

In this part of the study, we will discuss the concept of criminal behavior and its difference from normal human behavior. We will then attempt to shed light on the concept of metaphysics or the supernatural.

1.1 The concept of criminal behavior :

In this part, we will study the various definitions of criminal behavior and then address the characteristics of criminal behavior.

A - Definition of criminal behavior

There are many definitions of criminal behavior, so we will first address the linguistic definition and then the jurisprudential definition.

- Linguistic definition of criminal behavior :

The Oxford English Dictionary defines crime as any act or omission that constitutes an offense and is legally punishable.

The Oxford Dictionary of Law describes crime as an action—or sometimes the failure to act—that is considered a public wrong under statutory or common law and is therefore subject to criminal prosecution by the state.

The Oxford Dictionary of Sociology offers a more nuanced definition, viewing crime as an offense that extends beyond personal matters into the public domain by violating legal or prohibitory rules. Such offenses carry formal sanctions or punishments and require public authority intervention.¹

These varying definitions highlight fundamental perspectives on crime. While the Oxford English Dictionary and Dictionary of Law emphasize that the law ultimately determines what constitutes a crime, sociological definitions take a broader approach. They examine not only the criminal act but

¹ : Oxford University Press. (n.d.). *Oxford English Dictionary*. Retrieved from <https://www.oed.com>

also the underlying legal framework and whose interests it serves. This perspective differentiates between private disputes and public offenses that challenge broader societal norms and values.

- Jurisprudential interpretation of criminal behavior

Criminal act or 'criminal activity' means conduct that is an offence, where the maximum punishment allowed by law for that type of offence is a prison sentence or a sentence of home detention. This includes any conduct that meets the legal requirements for such an offence, even if the conduct does not result in any charges or convictions. It is not necessary for the requirements to be proved beyond a reasonable doubt².

Criminal behavior can be defined as follows:

"A conscious act, whether an act or omission, that results in a violation of a criminal law rule, entailing criminal liability under the law."

Analysis of the Definition's Elements:

Conscious act: A crime only occurs if the perpetrator is aware of what they are doing, which excludes involuntary acts.

Act or omission: Behavior includes crimes committed by a positive act (such as murder and theft) and those committed by omission (such as failure to provide assistance when necessary in certain situations).

Violation of a criminal law rule: This means that the behavior must be in violation of a legal provision that explicitly criminalizes it.

Criminal liability: This means that this behavior requires the imposition of a penalty or precautionary measure specified by law.

This definition reflects the legal nature of criminal behavior, linking the act to the rules of criminal law that criminalize it and determine the appropriate penalty³.

Criminal behavior is any act or omission that constitutes a violation of the criminal laws applicable in a particular society and requires punishment for the perpetrator. This behavior is considered illegal because it conflicts with the legal and ethical rules that govern relationships between individuals within society.

Criminal behavior, in legal jurisprudence, is viewed as a voluntary act or omission criminalized by law. It is represented by the physical activity that constitutes the material element of the crime, provided that this behavior is prohibited by an explicit legal text and that it meets the basic elements of the crime:

Legal element: The existence of a legal text criminalizing the act or omission.

Material element: The act or omission that constitutes the criminal behavior.

Mental element: The criminal intent or fault associated with the behavior⁴.

² : Larry J. Siegel, *Criminology: The Core*, Cengage Learning, 2018, 67

³ : عبد القادر عودة، التشريع الجنائي الإسلامي مقارناً بالقانون الوضعي، 2009، ص 49

⁴ : Mohamed Shehata Rabie, *Principles of Criminology*, Dar Al-Nahda Al-Arabiya, 2010. P 114

B- Characteristics of criminal behavior

Characteristics of criminal behavior are the features and patterns that distinguish criminal acts and help us understand the nature of the crime and the offender. Among the most prominent of these characteristics are:

Intentional Behavior: A crime is a conscious and deliberate act committed by the offender, who is accountable for his actions before the law.

Violation of Law: The term "violation of law" refers to any behavior or conduct that contravenes binding legal rules established by the legislature, whether such behavior is positive (committing a prohibited act) or negative (failing to perform a legal duty). Violation of the law is the basis for initiating legal liability, whether criminal, civil, or administrative.

Basic Classifications of Violation of Law

Violations of law are classified according to the nature of the legal rule violated and include:

- **Criminal Violations**

Include crimes punishable by criminal law, such as murder, theft, fraud, assault, and forgery. These require the presence of three elements of the crime: the legal element, the material element, and the mental element. Penalties may include imprisonment, fines, or alternative penalties.

- **Civil Violations**

Include breaches of contractual obligations or tortious liability, such as failure to fulfill contracts, negligence, or causing harm to others. Proof of criminal intent is not required; rather, the existence of harm and a causal link between the unlawful conduct and the resulting harm are sufficient. Penalties may take the form of financial compensation or performance of the obligation.

- **Administrative Violations**

Include violations of regulatory and administrative rules established by government agencies, such as failure to comply with labor regulations, traffic violations, or late payment of taxes. Penalties typically consist of financial fines or administrative measures such as license revocation or temporary suspension from work.

- **Constitutional Violations**

Relate to violations of constitutional provisions, such as human rights violations, infringement of the principle of separation of powers, or legislative authority exceeding its legal limits. Penalties may include repealing unconstitutional laws or removing the officials involved.

- **International Violations**

Include violations of international laws and treaties, such as human rights violations, war crimes, or failure to comply with UN agreements. Penalties may include economic sanctions, international trials, or diplomatic and military interventions.

- **Essential Elements of Violation of Law**

For behavior to be considered a violation of law, the following elements must be present:

- The existence of a binding legal rule prohibiting or requiring a certain behavior.
- The person's action or omission violates this rule.
- The absence of a legal justification for the action, such as legitimate defense or imperative necessity.
- **Penalties for Violation of Law**

Penalties depend on the type of violation and include:

- **Criminal penalties:** imprisonment, death, fines, mandatory community service.
- **Civil compensation:** payment of financial compensation to the injured party or restoration of the previous status.
- **Administrative penalties:** dismissal from office, revocation of licenses, imposition of fines.
- **Constitutional measures:** repealing unconstitutional laws, removing officials, or taking corrective action.
- **International sanctions:** imposing economic sanctions or military intervention in cases of serious crimes. Criminal behavior violates the legal rules in force in society, which warrants punishment according to criminal laws.
- **Social Danger:**

A crime negatively impacts society, whether in terms of harming individuals or disrupting public order. It refers to the extent to which a crime threatens the stability, security, and well-being of a society. Crimes with high social danger not only affect individuals but also create broader disruptions in public order, trust, and institutional integrity. The severity of social danger varies depending on factors such as the scale of harm, the number of victims, and the potential long-term consequences. For instance, violent crimes like terrorism or organized crime have a far-reaching impact, instilling fear and undermining social cohesion. Economic crimes, such as fraud and corruption, erode public trust in institutions and can destabilize economies. Additionally, crimes targeting vulnerable populations—such as human trafficking or hate crimes—amplify societal divisions and perpetuate systemic inequalities. Ultimately, social danger serves as a key criterion for legal systems in determining the gravity of offenses and the corresponding severity of punishments.

- **Motive Presence:**

Most crimes are committed for a specific motive, whether economic, vengeful, psychological, or social. The presence of a motive is a crucial element in criminal behavior, as it provides insight into the offender's reasoning and intent. Most crimes are driven by specific motives, which can be categorized into economic (such as theft or fraud for financial gain), vengeful (seeking retribution against an individual or group), psychological (stemming from mental disorders or compulsions), or social (influenced by peer pressure, societal expectations, or ideological beliefs). Understanding a criminal's motive helps law enforcement and psychologists profile offenders, predict future behaviors, and establish connections between different crimes. It also plays a key role in legal

proceedings, influencing charges, sentencing, and the determination of criminal responsibility. In some cases, motives can be complex, involving multiple overlapping psychological and external factors that drive an individual to commit a crime

- **Punishability:**

A criminal act must be legally defined as a punishable offense, in accordance with the principle of "no crime and no punishment without a legal provision." It is a fundamental principle of criminal law that ensures a crime is not only recognized as an offense but also subject to a legally prescribed punishment. This principle is rooted in the legal maxim "nullum crimen, nulla poena sine lege" (no crime and no punishment without a legal provision), which safeguards individuals from arbitrary prosecution and punishment.

For an act to be punishable, it must meet specific criteria within a legal framework:

- **Legality of the Offense:**

The criminal act must be explicitly defined in statutory law. No individual can be punished for an act that is not clearly classified as a crime in the legal system at the time it was committed. This prevents retroactive application of criminal laws.

- **Legally Prescribed Penalties:**

The punishment associated with a crime must be predetermined by law. Courts cannot impose arbitrary or excessive sentences; they must adhere strictly to the legal provisions set forth in penal codes.

- **Jurisdiction and Authority:**

Punishability is subject to the jurisdiction of the legal system where the crime was committed. Different legal systems may classify and penalize offenses differently based on cultural, social, and political considerations.

- **Exceptions and Defenses:**

Some acts, even if legally defined as crimes, may not be punishable under specific conditions, such as self-defense, necessity, or insanity. These legal defenses serve to balance justice and fairness in criminal liability.

- **Public vs. Private Punishability:**

Certain offenses, such as violent crimes, are punishable regardless of the victim's consent, as they threaten public order. In contrast, some crimes, like defamation or minor fraud, may require a complaint from the victim to initiate prosecution.

- **Enforceability of Punishment:**

A crime may be punishable in theory, but practical enforcement depends on the legal system's ability to investigate, prosecute, and penalize offenders. Statutes of limitations, diplomatic immunity, or lack of evidence can limit enforceability.

By establishing clear legal boundaries for what constitutes a punishable offense, the principle of punish ability upholds the rule of law, protects individual rights, and ensures consistency in the justice system.

- **Psychological and Social Impact:**

The crime is influenced by psychological and social factors such as the environment, upbringing, economic pressures, and the offender's psychological factors. The criminal acts have profound psychological and social consequences that extend beyond the immediate harm to victims. On a psychological level, victims often experience trauma, anxiety, depression, and post-traumatic stress disorder (PTSD), affecting their emotional well-being and quality of life. Fear of crime can also lead to behavioral changes, such as social withdrawal or heightened distrust in others.

From a social perspective, crime disrupts community stability, weakens social bonds, and fosters an atmosphere of fear and insecurity. High crime rates can lead to economic decline, as businesses close, property values decrease, and residents relocate to safer areas. Additionally, crime can erode public trust in law enforcement and institutions, leading to social unrest and reduced cooperation with authorities. In cases of widespread criminal behavior, such as corruption or organized crime, entire societies may suffer from systemic instability and weakened governance. Ultimately, the psychological and social impact of crime extends far beyond individual victims, influencing societal structures, economic conditions, and overall public morale.

- **Evolution and Change:**

The criminal behavior evolves over time and is influenced by cultural and technological factors, necessitating updated laws to keep pace. The crime and its legal definitions continuously evolve in response to social, technological, economic, and political changes. As societies progress, behaviors once considered acceptable may become criminalized, while others may be decriminalized based on shifting ethical standards and legal interpretations. For example, historical changes in laws regarding human rights, gender equality, and drug policies reflect evolving societal values.

Technological advancements have also introduced new forms of crime, such as cybercrime, identity theft, and digital fraud, requiring legal systems to adapt and develop specialized regulations. Additionally, globalization has influenced crime by enabling transnational offenses like human trafficking, terrorism, and financial crimes, prompting international cooperation in law enforcement.

Legal reforms are often driven by public awareness, advocacy movements, and empirical research, ensuring that justice systems remain relevant and effective. The continuous evolution and change in criminal law reflect society's efforts to maintain order, protect individual rights, and address emerging threats in an ever-changing world.

1.2 The concept of metaphysics :

To present a concept of metaphysics, we must first address its definition and then shed light on its most important elements.

A - Definitions of Metaphysics and Their Philosophical Implications

Metaphysics has been defined in many technical terms, the most prominent of which was provided by Aristotle, who defined it as "the investigation of causes and first principles." He also considered it "first philosophy," meaning the study of existence as it exists, in terms of the universal first principles that encompass all beings and make existence possible. It can be said that most subsequent definitions were an extension of Aristotle's definition or were influenced by it, making it necessary to select the most prominent ones to avoid repetition and prolixity.

Avicenna called metaphysics "divine science" and considered it "an investigation of absolute being, ending in detail where all other sciences begin. This science thus explains the principles of all the particular sciences." Despite the importance of this definition, it did not introduce anything new compared to Aristotle's definition. The same applies to Thomas Aquinas, who believed that metaphysics, or first philosophy, is "the science of first causes or first principles, all of which trace back to a single cause, namely God." Descartes expanded the concept of metaphysics, considering it to include "the principles of knowledge that include an explanation of the most important attributes of God, the immateriality of the soul, and all the intelligible meanings possessed by our minds."⁵

We note that all of these definitions focus on the subject of divine knowledge or God as an absolute being, and do not, in essence, depart from the framework of the Aristotelian definition. When analyzing definitions of a religious nature, such as those of Ibn Sina and Aquinas, we find that they carry the meaning of searching for the truth of existence and the first cause, i.e., God.

With Immanuel Kant, the concept of metaphysics changed, as he considered it to include "the phenomena of a priori perception, i.e., knowledge that precedes experience." He also defined it as "the discovery of the primary elements in knowledge and action." Auguste Comte, on the other hand, saw it as "an intermediate mode of thought between theological and positivist thought, seeking to understand the origin, course, and fundamental source of phenomena." In contemporary philosophy, Bradley defined metaphysics as "an attempt to understand reality as opposed to mere appearance, and to study first principles and ultimate truths, with the aim of understanding the universe comprehensively, not as separate parts, but as a whole." Bradley differed from earlier philosophers in that he did not divide the world into reality and appearance, viewing the universe as an interconnected whole, in contrast to the approach that relied on separating reality from appearance.

⁵ : Anne M. Bartol and Curt R. Bartol, "Criminal Behavior: A Psychological Approach, 2017, p 82

Alfred North Whitehead defined speculative philosophy, which is related to metaphysics, as "an attempt to construct a coherent, logical, and necessary system of general ideas by which every element of our experience can be explained."

There are many definitions of metaphysics, the most prominent of which are:

1. Knowledge of beings that are not subject to sensory perception.
2. Knowledge of the essence of things in themselves, as opposed to sensory appearances.
3. An investigation of moral truths, ideals, and necessary beings, as a higher order of reality than sensory facts.
4. Direct intuitive knowledge, as opposed to rational knowledge.
5. Rational knowledge capable of reaching the essence of things, and thus the primary principles of the natural and moral sciences.
6. A critical and reflective analysis of reality to arrive at a radical and comprehensive understanding of it.

Despite the multiplicity of these definitions and their importance in the history of philosophy, they all share the view that metaphysics is a comprehensive and total understanding, and an absolute and fixed knowledge encompassing all fields of knowledge. Any attempt to attain absolute knowledge of any meaning or truth of existence is, in essence, metaphysical.

B- Elements of Metaphysics :

Metaphysics is the study of the nature of reality, existence, and the real world. It includes several key elements, including:

-Ontology: The study of the nature of existence and the essence of things, the relationship between universals and particulars, and the distinction between real and apparent existence.

-Metaphysical cosmology: The study of the origin and structure of the universe, the nature of space and time, and the relationship of the universe to the laws that govern it.

-Causality: The study of the relationship between causes and effects, the inevitability of natural laws, and the possibility of free will or absolute determinism.

-Moral metaphysics: The study of absolute values such as good and evil, the nature of justice, and whether morality is subjective or objective.

-Critical metaphysics: The study of the limits of human knowledge, the possibility of attaining absolute truth, and the nature of the relationship between reason and reality.

These elements collectively form the foundation upon which metaphysics is built as a philosophical approach that seeks to provide a comprehensive understanding of existence and knowledge⁶.

.2. The impact of metaphysics on criminal behavior

⁶ : Frederick Copleston, A History of Philosophy: Volume 1 Greece and Rome, Continuum, 2003, p217

Criminal behavior finds an explanation through metaphysics, or what is known as metaphysics, through the reflections of metaphysics on criminal behavior, as well as the extent of the effectiveness of metaphysics in finding a serious explanation for this behavior.

2.1 Reflections of metaphysics on criminal behavior

Metaphysics, as a branch of philosophy concerned with the study of the nature of existence, reality, and the supernatural, has had a profound influence on the interpretation of criminal behavior throughout the ages. This influence can be summarized in two main points:

A- Crime as a result of the influence of supernatural forces and evil spirits

In many ancient cultures, it was believed that criminals did not commit crimes of their own free will, but were rather controlled by supernatural forces or evil spirits.

Historical Examples:

In Eastern civilizations and primitive religions, some crimes were believed to be caused by demonic possession or black magic. For example, in medieval Europe, the Church attributed certain crimes to "demonic possession," and those accused of witchcraft and demonic possession were prosecuted, as was the case during the Inquisition.

In African societies and primitive tribes, it was believed that crimes might result from a curse or the influence of angry ancestral spirits. Therefore, they performed certain rituals to appease these spirits, rather than looking for psychological or social motives for the crime.

In Sufi thought and spiritual philosophies, it is believed that some people commit crimes because of "negative energy" or because they have lost their spiritual balance, making them vulnerable to evil influences. The impact of this interpretation on ancient laws:

Based on these beliefs, punishments were meted out through mystical means, such as exorcism through torture, offering sacrifices to the gods, or subjecting the accused to religious tests, such as being thrown into water. If they survived, they were innocent, and if they drowned, they were guilty.

These ideas have not completely disappeared to this day, as some societies still attribute violent crimes to demonic possession or witchcraft, and some may turn to sheikhs or spiritual healers to resolve these issues⁷.

B- Crime as a Divine Punishment and a Cosmic System Based on Karma and Divine Retribution:

In some religious and metaphysical philosophies, crime is interpreted as part of a cosmic moral system, whereby the person who commits a crime is believed to either pay for their actions in a previous life (karma) or to be the instrument of divine retribution itself.

- **Religious and Philosophical Interpretations:**

In Hinduism and Buddhism, the concept of karma is fundamental to understanding criminal behavior. It is believed that every action a person commits returns to them, and if they commit a crime, they will suffer the consequences both in this life and the next. Thus, crime is not merely a random event, but rather part of an ongoing moral cycle.

In the divine religions (Islam, Christianity, Judaism), there is a belief that some crimes are the result of divine punishment for sins, whether at the individual or societal level. For example, in some religious interpretations, the prevalence of crime in a society is viewed as collective punishment from God for moral corruption. In Platonic philosophy, crime was viewed as a disruption of the cosmic order and absolute justice. Platonic ideas held that the ideal world must be balanced, and when a crime occurs, this balance is disrupted, necessitating intervention to restore harmony⁸.

- **Implications of this thought on ancient and contemporary laws:**

In societies that embraced these ideas, punishments were applied according to the principle of "an eye for an eye," where punishment was viewed as restoring moral balance in society, rather than simply as a deterrent. In some philosophies, it was believed that punishing a criminal was not only a means of protecting society but also a means of purifying the soul of sins, as was the case in some legal practices in ancient Indian and Chinese civilizations. Even today, some societies still view crimes as a sign of "divine wrath" or "cosmic retribution," leading some governments to use religion or spiritual beliefs to justify the application of severe penalties for certain moral crimes.

2.2 The effectiveness of metaphysics in explaining criminal behavior

The effectiveness of any theory in explaining crime depends on its ability to provide logical explanations and offer practical solutions to reduce crime. When evaluating a metaphysical explanation of crime, we can view its effectiveness from two perspectives:

A- Although the metaphysical explanation of crime seems unscientific in modern times, it still plays a role in some social and psychological aspects:

- **Enhancing Moral Deterrence:**

When individuals believe that a crime brings divine or karmic retribution, they may reduce their criminal actions out of fear of supernatural punishment. In traditional religious societies, this idea helped control behavior and reduce criminal tendencies, as individuals were raised on the idea that "what you sow, so shall you reap."

- **Promoting Psychological Stability and Acceptance of Universal Justice:**

Some victims find solace in the belief that the perpetrator will be punished in life or after death, reducing the desire for violent revenge. In Eastern philosophies, the idea of "karma" helps calm social anger over crimes, as justice is believed to be achieved naturally.

- **Influence in Ancient Legal Systems:**

In ancient times, the metaphysical explanation provided a basis for understanding laws, helping to create a coherent system of punishments based on moral and religious beliefs.

: أرسطو، مدخل إلى الفلسفة الأولى، دار الكتاب العربي، 2005، ص 398⁸

Even today, some laws are still influenced by the spiritual and religious dimension in interpreting crimes and their punishments. The positive aspects of this interpretation lie in its influence on the formation of punishments throughout history. In ancient times, punishments were based on religious and metaphysical concepts, such as spiritual purification or offering sacrifices to avert divine wrath. Some ancient legal systems, such as Babylonian law and religious legislation, were based on the idea that crime was a violation of divine laws, and therefore punishment must be sacred or expiatory.

- **The Use of Religious Oaths in Traditional Judicial Systems to Prove Innocence or Guilt**

In many traditional judicial systems, religious oaths are still used as a means of proving innocence or guilt, especially in societies whose laws are based on religious beliefs and customary customs. This tradition is based on the idea that swearing before God or supernatural powers compels a person to tell the truth, fearing divine punishment if they lie.

- **Religious Oaths in Sharia Courts and Customary Laws**

In many countries with laws derived from Islamic law or customary law, religious oaths are still used in courts to prove the validity of testimony or innocence.

In the Islamic Judicial System

In Sharia courts, religious oaths are used as a means of proof in the absence of sufficient physical evidence. Qassamah, a principle of Islamic jurisprudence, requires the taking of fifty oaths by the next of kin to prove a person's responsibility for a murder when there are no witnesses or conclusive evidence. In civil cases, such as financial disputes, marriage, and divorce, a party may be required to take an oath before a judge to prove the validity of their claim.

In customary and tribal laws

In some rural or tribal communities, an oath before elders or clergy is used to prove innocence, particularly in family disputes or crimes that are difficult to prove with modern evidence. In some African and Asian countries, some customary courts still rely on religious oaths as conclusive evidence, requiring the accused to swear before sacred religious symbols such as the Quran, the Torah, or the Bible.

Religious proof also promotes honesty and responsibility: In religious societies, swearing an oath before God can have a powerful psychological effect, making people less likely to lie. A means of resolving disputes when evidence is lacking: When strong evidence is lacking, an oath can be a means of proving the validity of claims in the absence of advanced technology. A legal tool that promotes respect for religion and traditional values: In some countries, the use of a religious oath is consistent with local laws based on religious principles.

B- Negative aspects: inaccuracy and lack of practical solution and Lack of scientific evidence:

The metaphysical explanation of crime is not based on concrete evidence, making it inaccurate compared to scientific theories that rely on statistical data and psychological and social studies.

Modern sciences, such as forensic psychology and sociology, have provided more accurate explanations for the causes of crime, such as psychological disorders, social influences, and economic factors.

May lead to neglect in combating crime:

In some societies, the belief that crime is "divine punishment" or "the result of karma" diminishes the importance of seeking realistic solutions, such as improving education, combating poverty, and developing criminal justice. When criminals are viewed as victims of evil forces or supernatural influences, their personal responsibility may be ignored, weakening the effectiveness of the judicial system. Potential for Misuse:

Some dictatorial regimes have used the supernatural explanation of crime to justify repression, claiming that criminals receive "deserved punishment" or are "inherently evil," which can lead to unjust punishments without a fair trial. In some cultures, it has been used to justify practices such as social purification or harsh punishments, such as stoning those accused of witchcraft or expelling them from society⁹. This was observed in medieval Europe with the use of burning and stoning to death for witches or those accused of practicing witchcraft.

• Conclusion

The metaphysical explanation of criminal behavior is one of the oldest attempts to understand crime. Ancient societies linked crime to concepts such as karma, divine retribution, the forces of good and evil, and the spiritual nature of man. These explanations contributed to the formation of moral and legal systems, but they lack the scientific rigor provided by modern criminological theories. Today, psychological, social, and economic theories are better able to explain the causes of crime and propose effective solutions to reduce it. The metaphysical explanation of crime still plays a role in moral influence and social deterrence, especially in religious and traditional societies. However, it fails to provide scientific evidence and objective investigations, making it insufficient to accurately understand crime or propose practical policies to reduce it. The optimal solution lies in integrating moral values derived from spiritual beliefs with the modern scientific approach to analyzing and combating crime.

Therefore, this theory cannot be neglected to explain crime and understand all its dimensions. Modern criminological studies must be strengthened: a focus must be placed on investigating the psychological, social, and economic factors that lead to crime, rather than relying solely on metaphysical explanations. Using religious and moral values in awareness-raising and prevention: Spiritual principles can be employed to promote individual responsibility and reduce criminal behavior through proper education and socialization. Integrating spiritual aspects with rehabilitation: In some cases, programs based on moral reform and religious guidance may be useful in rehabilitating prisoners and reducing recidivism rates. Promoting the rule of law and social justice: Judicial systems must be based on scientific and objective foundations to ensure justice and avoid relying on supernatural interpretations that may lead to injustice to innocent people.

: نبيل السمالوطي، التفسير الإسلامي للانحراف والسلوك الإجرامي، مجلة جامعة الإمام محمد بن سعود الإسلامية، ص 55⁹