

Criminality and the Family

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Either the classical or juristic theory or the positivist or realistic school of thought, each differing with its treatment of the human free will and of the convict, influences criminological thought. The Philippines decidedly remains a jurisdiction that is governed by classicist principles with its provisions on impossible crimes, exempting circumstances, and habitual delinquency. The Author posits that, pursuant to studies which show that there appears to be no single factor which is heavily influences criminality, a move towards the positivist school of thought is advisable. Under this recommendation, he notes that the offender should not be subject by society to punishment alone; prevention of crime must be approached from different levels and references.

The importance of the family both as a social unit and as the earliest environment to which a person is subject is thus highlighted in this Article. The Author attempts to demonstrate that there is a causal nexus between family environmental conditions and criminality, discussing in particular the following factors 1) family economic security, 2) family control and discipline, 3) family peace and morality, 4) parental literacy, 5) family recreation, and 6) religious atmosphere. These factors are discussed as mostly inversely related to an increase of criminal behavior. Furthermore, different provisions of laws and of the 1975 Constitution are also discussed in relation to each factor. The Author concludes that although his discussion might not be rooted in a scientific discipline, it should serve as a starting point for a more intensive discourse on controlling criminality through the home and the family.