

- **Appendix 5: Recommendation for Crime and Punishment in the Bahamian Society**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**JAMAAT-UL-ISLAAM**

**OF THE**  
**COMMONWEALTH OF THE BAHAMAS**

**RECOMMENDATIONS**

**FOR**  
**CRIME AND PUNISHMENT**  
**IN**

**THE BAHAMIAN SOCIETY**

# بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah (God), The Beneficent, The Merciful

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## I. INTRODUCTION

The Bahamian society today is in a state of social crisis. There is a breakdown of family life, increased teenage pregnancy, an escalation of crime and violence and a total disregard for morality, law and order. The society is comprised of many different communities, races and social strata and whatever happens within the society, eventually affects all. Responsibility and concern for its maintenance, then, must be borne by all its members, and any individual, group, organization or community who does not feel or show any sense of interest or concern for the maintenance of the society does not deserve to reap the benefits of being a part of it.

The Muslim community in the Bahamas, represented by Jamaat-ul-Islaam, is committed to the social development, promotion and progress of our Bahamian society. We believe that only by promoting high ideals and moral principles can our society hope to rid itself of the morass of social decay and crime.

Our aim is to:-

- 1) Promote truth, honesty and justice both in personal and public life.
- 2) Encourage excellence in education, social development and awareness of self.
- 3) To peacefully agitate for the adoption and establishment of strong rules, laws and principles geared towards the maintenance, protection and defence of a morally strong society.

It is in the context of our concern for the growth and escalation of crime and violence in our beloved society, which we all must inhabit, that, after careful analysis and consideration of this disease menacing our society, we humbly put forward the following recommendations to those in authority with the hope that they would give them due consideration and the hope that such recommendations could be of benefit.

It is our belief that, while greater emphasis should be placed on the prevention of crime, stronger and indeed more harsh punishments should be meted out to perpetrators of crime so as to send a strong message that we will not become tolerant to crime and violence, and that society would do whatever is necessary to protect itself. The essence of crime prevention is the changing of attitudes, but we all know that this is not an easy task. Firm measures are therefore necessary to re-enforce such desired changes and to help bring them about.

## II. CRIME AND SOCIETY

Society is like a ship of many decks sailing the sea of life. Each deck, while having its own class or category of people, playing their own particular role, is not independent, as each forms a part of the whole. All those on board share a common destiny, time and space and whatever affects one will eventually affect all. It is this social and epochal bonding which engenders a sense of mutual and common responsibility towards each other and the need to mutually protect and defend that society.

This bond, while providing a need for and guarantee of a set of individual rights, also demands an equal set of individual duties. It is most unfortunate today, however, that people only value, consider and demand their rights, but do not consider their duties as equally important. The society owes everyone, but no one owes the society anything, according to this outlook. Thus, this selfishness leads to the disintegration of society and the ultimate destruction of the individual, because no man is an island.

The duties and rights of the individual can be categorized as follows:-

1. Human Rights: life, freedom, liberty, justice, Basic needs, etc.
2. Social Rights: belonging, protection, opportunity, etc.
3. Moral Duties: honesty in dealing, mutual concern, help assistance, good advice, brotherhood, etc.
4. Social Duties: protect and defend, uphold the law, co-operate in building society, Participate in the maintenance of society, etc.

The interdependence between the individual and society cannot be over-emphasized, so that the society has as much right over the individual as the individual has over society. The society should not wantonly transgress the rights of the individual as well as the individual must be socially responsible and not endanger the society. Such reckless endangerment by the individual amounts to the forfeit of that individual's right over society.

To willfully and intentionally breach or go against the legitimate law of society is a wicked, shameful and senseless act. Such social offence causes injury to others, both individually and collectively and therefore merits punishment. Civilized society determines such acts as criminal, because they not only transgress the rights of the individual but also endanger society.

Crime then, is the intentional transgression of the legitimate laws of society which may result in harm or injury to a person or persons, or to take or deprive some person or persons, of their life or property. Crime engenders wrongdoing, misconduct, offence against society and a violation of the rights of others. So the criminal is not only a lawbreaker, but also a social delinquent who tries to live outside of the laws of society, while making demands on it. It is a known fact that without law there can be no order, so that in order to maintain an orderly society, law and order must walk hand-in-hand. Anyone then, who seeks to divorce the two, is only courting chaos and disaster because that is exactly what results in the absence or laxity of law. Social deviation must be censured if society is to survive and survival of society, means the survival of the individual.

Deviant behavior is of three types:

1. Sin, which is a violation of divine law.
2. Vice, which is a violation of moral law.
3. Crime, which is a violation of human or social law.

Sin and vice are both injurious to self and both lead to crime or the transgression of the rights of others. Crime goes far beyond the victim to affect society as a whole, so that the criminal and his deviant behavior, must be seen as a menace and enemy of society.

### III. CRIME PREVENTION AND DETECTION

It is the opinion of the Muslim Community that while the containment of crime is necessary, greater emphasis must be placed on its prevention because we are convinced that the maxim: "prevention is better than cure" still holds true. Containment tends to deal more with symptoms and results while prevention tends to focus more on causes and deterrence.

A holistic approach is, therefore, needed to effectively deal with the scourge of crime and its prevention in our society. Following are a few recommendations in this context:

- a) The need to enhance the image of the Police Force in the society:-

1. The policeman should be seen not only as the law enforcer but as a concerned and caring member of the community.
  2. More positive police involvement in communities:
    - (i) Adopting youth groups and clubs.
    - (ii) Encouraging and assisting communities to establish crime-watch and other social groups.
    - (iii) Spearheading the formation of a national crime watch society.
- b) The institution of 'District Constable' should be part of an expanded, organized and well structured constabulary under the supervision of the police, to enhance and re-enforce the concept of community policing:-
1. It should work hand-in-hand with the community crime-watch groups to further make that concept a reality.
  2. In each crime-watch group there should be three such constables.
  3. Proper training of such constables should be done by the police, in the form of seminars conducted on a regular basis.
  4. The persons so appointed to play such roles should be up-standing members in their respective communities.
  5. There should be some commendatory program in place, to recognize the efforts and sacrifices of such persons, since they are not paid but function out of their civic mindedness.
- c) Recruitment of Law-enforcement officers:
1. An urgent review of the recruitment process of law enforcement officers is needed to ensure that the citizen is getting the best persons to serve in such capacity. Age, character, academic ability, psychological profile and outlook on life, etc are some of the key areas for review and scrutiny.
  2. An incentive program needs to be implemented to attract more academically oriented young people to the police force, because the country is not only in need of doctors and lawyers, but also law enforcement officers of the highest intellectual calibre.

3. Law enforcement is a profession and officers must be trained to be, and to function as professionals. All those who do not or cannot function with a high degree of professionalism should be removed.
- d) The mechanism for redress against the police needs to be made very clear to the public, and any abuses or excesses on the part of the police should not only be dealt with expeditiously, but justice must be seen to have been done.
  - e) All clerical and other such functions in the police services should be delegated to civilians members of the civil service, so that police officers can be free to do the jobs they were specially trained to do.
  - f) The government should have its own security organization to provide the necessary security, in government buildings, institutions, etc. This again would free up police officers from such duties to play their specialty role for which they were trained.
  - g) Police officers need to be properly armed to effectively deal with the crime situation. The criminal should never be better armed than the law enforcement officer.

#### IV. THE NEED FOR PUNISHMENT

The questions might be asked: What is the need for punishment? Is it really necessary? The answer to these questions are crucial to one's understanding of human psychology and social interaction. Punishment is the opposite of reward and can be seen as the result or consequence of one's action. It is also an element of social checks and balances between the individual's rights and duties vis-a-vis the individual and society. Punishment represents failure and deficiency just as reward represents success and accomplishment. It would therefore be contrary and counter-productive to any social structure to commend accomplishment and not censor deficiency.

Because of human weakness man is apt to stray from the accepted norms or rules of social cohesion. It is therefore necessary for the survival of social life that society implement some form of corrective process that would, not only reform those who stray, but also to send a strong warning to all those who have such inclination, that it is not in their own interest, or the interest of society to pursue such a path. Punishment then, is not only rehabilitative but also deterrent.