

CRIMINAL RESPONSIBILITY IN THE UNITED ARAB EMIRATES: A SOCIOLOGICAL STUDY OF THE SOCIAL AND LEGAL DIMENSIONS OF CRIME AND PUNISHMENT

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Abstract

This study explores the concept of criminal responsibility in the United Arab Emirates from a sociological perspective, examining both the social and legal dimensions of crime and punishment. It aims to analyze how Emirati criminal legislation aligns with international legal frameworks, particularly the French, British, and American models. Drawing on classical sociological theories such as Durkheim's functionalism, Weber's social action theory, and Marx's conflict theory, the study highlights how societal structures influence criminal behavior and legal accountability. The research investigates the societal impact of crime and the effects of punishment on social stability. Moreover, it evaluates the effectiveness of legal reforms in addressing deviance and promoting justice. This comparative analysis provides valuable insights into the evolution of criminal responsibility in modern societies, emphasizing the intersection of law and sociology in shaping legal practices and social perceptions of crime and justice.

Introduction

Crime is both an ancient and evolving social phenomenon, deeply intertwined with the transformations of society and the complexities of modern life. It is influenced by a myriad of interconnected factors including economic, cultural, political, and ethical structures. Since criminal law serves as the formal framework for deterrence and punishment, any meaningful exploration of criminal responsibility must adopt a sociological approach that situates crime within its broader socio-cultural context.

Criminological sociology plays a critical role in uncovering the underlying drivers of crime and understanding the nature of criminal behavior through the lens of the offender's relationship with society.

In the United Arab Emirates (UAE), despite its advanced legal infrastructure and secure environment, the country's ongoing social transformations and rich cultural diversity pose increasing challenges to the judicial system in interpreting and applying criminal responsibility. This study approaches crime not merely as a legal infraction but as a product of a complex social system, requiring rigorous scientific analysis.

The objective of this research is to provide a sociological interpretation of criminal responsibility by examining its core concepts, applying key sociological theories to the Emirati context, and analyzing the social ramifications of crime. It also aims to explore how legal texts are constructed and applied within a legislative system influenced by the country's social and cultural fabric.

A descriptive-analytical methodology has been employed, focusing on legislative texts and relevant academic literature, alongside an empirical analysis of criminal trends in the UAE, to extract results and recommendations that can contribute to enhancing the criminal justice system from a sociological standpoint.

I. Research Methodological Framework

1. Introduction

Criminal responsibility is a fundamental legal principle that entails holding individuals accountable for their actions that violate the laws governing a given society. Crime is considered a breach of legal norms that necessitates punitive measures. Criminal responsibility lies at the intersection of criminal law and criminological sociology, where crime and punishment are connected through ethical and social considerations.

It involves a set of legal pillars that assess an individual's capacity to bear the consequences of their actions. This includes free will, moral discernment, and mental capacity—elements essential to understanding whether a person is legally and ethically accountable for a criminal act.

Sociologists argue that criminal responsibility should not be viewed solely from a legal perspective, but rather through a social and cultural lens that captures how various structural factors influence individual behavior and criminal conduct.

Émile Durkheim, a foundational figure in criminological sociology, argued that criminal responsibility is not merely an outcome of individual intent but a reflection of the broader social fabric and norms that govern behavior. According to him, crime reflects the pressures exerted by society upon individuals, helping shape their conduct and, consequently, the degree of legal accountability.

From a legal standpoint, criminal responsibility is closely linked to the principles of justice and equality. Judicial systems must ensure that the individual charged with a criminal act possesses the mental and cognitive faculties necessary to bear such responsibility. This involves a detailed examination of legislative instruments designed to identify legal fault and assess the damage caused by the offense.

2. Research Objectives

The primary objective of this study is to analyze criminal responsibility in the UAE through a sociological lens, focusing on the cultural and social dimensions that influence criminal behavior. The research aims to shed light on how socio-economic variables impact who is held legally accountable within Emirati society.

3. Research Problem and Significance

The research problem lies in understanding the relationship between diverse social factors—such as class structure, cultural values, and education—and criminal responsibility. The significance of the study stems from its contribution to a deeper understanding of how the UAE legal system interprets criminal responsibility in the context of rapid legislative and social changes.

4. Methodology

This study adopts a descriptive-analytical methodology, based on the critical examination of existing legislation and academic literature related to criminal responsibility. A comparative approach is also employed to contrast the Emirati legal system with Western legal traditions, particularly in terms of how responsibility is attributed in criminal law.

II. Theoretical Framework and Key Concepts

1. Concept of Criminal Responsibility

Criminal responsibility is a core principle in legal systems that refers to an individual's capacity to be held accountable for criminal behavior based on intentional and rational decision-making. A person cannot be criminally liable unless they possess the ability to distinguish between right and wrong at the moment the offense is committed. This notion reflects the individual's cognitive and moral awareness, which forms the foundation of free will in committing a crime. In the Emirati legal context, as in many other jurisdictions, this principle involves both legal and psychological assessments that determine whether the accused was mentally and morally competent at the time of the offense.

2. Sociological Theories of Criminal Responsibility

Sociological theories offer essential insights into how social structures and environments influence criminal behavior and legal accountability. These theories can be broadly categorized into individual-based approaches and structural approaches. The former focuses on internal motivations and learned behaviors, while the latter views society itself as a system that produces deviant behavior. Below are the key theories relevant to this study:

2.1. Social Interaction and Labeling Theory

This theory suggests that crime is not merely an individual act but a result of interactions between individuals and their social environment. Deviant behavior emerges when an individual adopts values and behaviors that deviate from societal norms. The process of being labeled as "deviant" often leads to secondary deviance, reinforcing the individual's criminal identity. Émile Durkheim, one of the founding figures in sociology, emphasized that crime is an inevitable and even necessary aspect of any society. It reflects shifting moral boundaries and plays a role in social evolution by challenging established norms and prompting reform.

2.2. Poverty and Social Stratification Theory

This theory highlights the link between socio-economic disparities and crime. Poverty, unequal access to resources, and systemic marginalization often push individuals from lower social strata toward crime as a survival mechanism or as an expression of resistance. Karl Marx's conflict theory supports this view by emphasizing how capitalist structures and class struggle lead to the criminalization of the poor. Crime, from this lens, is not just deviance but a form of protest against structural inequality.

2.3. Criminal Responsibility in the Emirati Context

In the UAE, criminal responsibility is shaped not only by codified law but also by cultural and social norms. While the legal framework is influenced by international models, especially the French and Anglo-American traditions, its application is mediated by local values and traditions. Max Weber's theory of social action is particularly relevant here. He posited that cultural and ideological factors heavily influence legal behavior. In Emirati society, religious beliefs, tribal customs, and moral expectations play a significant role in determining public perceptions of guilt and responsibility. This intersection of law and culture is essential to understanding how criminal responsibility is interpreted and enforced.

III. Legal Framework: Criminal Laws and Legislations in the United Arab Emirates

1. Overview of the UAE Legal System

The legal system of the United Arab Emirates integrates Islamic principles that uphold the moral and religious values of the society with modern civil law concepts derived from Western legal systems. This hybrid approach enables the UAE to maintain a balance between tradition and modernity, aligning its laws with the spirit of Islamic jurisprudence while keeping pace with contemporary legal developments.

The judiciary emphasizes social justice and the protection of public order, thereby contributing to the country's political, social, and economic stability. In recent decades, the UAE has made significant efforts to harmonize its criminal justice policies with international standards, particularly in the areas of human rights and judicial reform.

2. Criminal Code and Penal Provisions

The UAE Penal Code is a comprehensive legal framework that defines various categories of crimes and stipulates appropriate punishments. The Federal Penal Code, in particular, addresses offenses ranging from petty theft and fraud to serious crimes such as murder, drug trafficking, and offenses against public morality.

This legal structure adopts a proportional approach to punishment, with penalties ranging from fines to life imprisonment and capital punishment depending on the severity and intent of the crime. The code also reflects societal values by criminalizing offenses that threaten social cohesion, such as defamation, slander, and moral corruption.

3. Criminal Responsibility and Punishment

The UAE criminal justice system applies the principle of proportionality in sentencing, taking into account both aggravating and mitigating circumstances. The courts have discretion to reduce penalties in cases involving psychological stress, addiction, or socio-economic hardship. This flexibility reflects the system's commitment to fairness and individualized justice, particularly in recognizing the complex social causes of criminal behavior.

4. Cybercrime Legislation in the UAE

In response to the rise of internet-related offenses, the UAE enacted Federal Law No. 5 of 2012 on Combating Cybercrimes. This law criminalizes unauthorized access to information systems, identity theft, online fraud, and the dissemination of illicit content. For example, in 2020, Emirati authorities apprehended a group involved in a large-scale data theft operation that led to harsh penalties under the Cybercrime Law, including imprisonment and substantial fines. The law illustrates the UAE's commitment to addressing modern threats with robust legal tools.

5. Continuous Development of Legal Reforms

The UAE has adopted a proactive legislative strategy aimed at modernizing its criminal laws. A notable reform includes the 2020 update to the Anti-Money Laundering Law, which introduced stringent controls to combat financial crimes and illicit economic activities. Additionally, the UAE maintains international cooperation with entities like the United States in combating cross-border crimes such as terrorism and human trafficking.

6. Criminal Trial Procedures

The UAE judicial system ensures fair and transparent trial procedures. Trials involve not only the presentation of evidence and testimony but also the protection of the defendant's rights. In 2019, the country launched electronic courts to enhance judicial efficiency and ensure access to

timely justice. These technological advancements align with the government's vision for a modern and accessible justice system.

7. Comparative Sociological Insights with Western Legal Systems

While influenced by both French and Anglo-American legal traditions, the UAE's legal system remains unique in how it incorporates sociocultural norms. The French model emphasizes the role of social and psychological factors in assessing responsibility, promoting individualized sentencing.

In contrast, the British model focuses on **actus reus** (criminal act) and **mens rea** (criminal intent) with minimal emphasis on sociological context. The American model, shaped by recent reformist movements, integrates considerations of race, class, and systemic inequality in analyzing crime and punishment.

Sociologically, the UAE reflects a transitional approach—merging traditional values with legal modernization—making criminal responsibility both a legal and social construct. This dynamic illustrates the complex interaction between law, culture, and societal development in shaping contemporary criminal justice practices.

IV. Social Dimensions of Crime in the United Arab Emirates

1. Sociological Understanding of Crime

Crime should not be viewed solely as an individual act, but rather as a social phenomenon that disrupts the cohesion and stability of society. In the Emirati context, criminal behavior is interpreted as any conduct that contradicts the prevailing values and traditions of society. Sociologists argue that crime emerges when there is a conflict between the individual and the established social order, driven by a variety of social, cultural, and economic factors. Émile Durkheim posited that crime is an integral part of all societies, surfacing when existing moral values are challenged. Similarly, Robert Merton's strain theory suggests that when individuals experience a disconnect between socially approved goals and the means to achieve them, deviant behavior may result as an alternative pathway.

2. Key Social Factors Influencing Crime

2.1 Economic Factors

Economic challenges are among the most influential drivers of criminal behavior. In the UAE, issues such as poverty, youth unemployment, and income inequality contribute to rising crime rates. The rising cost of living and limited economic opportunities—especially for marginalized youth—can push individuals toward deviant behavior as a form of escape or survival.

2.2 Family Structure and Socialization

The family plays a central role in shaping the individual's social behavior. Dysfunctional family dynamics—often due to financial stress or social instability—can create environments that increase the likelihood of criminal conduct. In the UAE, family disintegration, absence of parental guidance, and exposure to domestic conflict are linked to juvenile delinquency, theft, and domestic violence.

2.3 Cultural and Technological Shifts

Cultural globalization and digital media have reshaped social behaviors and attitudes, particularly among youth. Exposure to global values that conflict with traditional Emirati norms creates cultural tension, identity crises, and behavioral dissonance. Youth, in particular, often face difficulties reconciling modern ideals of individualism, freedom, and self-expression with the collectivist values of Emirati culture.

3. Impact of Social Transformation

The UAE's rapid urban development, demographic shifts, and socio-economic expansion have led to changes in social structure and values. Generational gaps have emerged as younger populations seek to assert their identities independently of traditional expectations. This social transition, fueled by globalization and cultural diffusion, contributes to feelings of alienation among some groups, who may resort to crime as a response to perceived social exclusion or frustration.

4. Crime and Emirati Cultural Values

Traditional Emirati values—centered on family, social solidarity, and moral conduct—are vital to the national identity. However, modern pressures challenge these norms, particularly among youth.

This value conflict can manifest in criminal acts as individuals struggle to balance cultural expectations with contemporary influences. Such sociocultural dissonance underscores the importance of integrating cultural awareness into crime prevention strategies.

5. The Role of Education and Media

Education and media play a decisive role in shaping legal awareness and social responsibility. In the UAE, educational institutions are working to instill civic values and legal literacy among students.

However, further efforts are needed to develop targeted educational programs for at-risk youth, including life-skills training and psychological support. Meanwhile, the media should promote legal awareness through constructive narratives that highlight rehabilitation and positive role models.

6. Legal Culture and Crime Prevention

Legal culture—the public's awareness and internalization of the law—significantly influences crime rates. The UAE has made notable progress in fostering a culture of legal compliance and civic responsibility.

Awareness campaigns, school curricula, and community outreach initiatives have helped embed respect for the law into the national consciousness. Strengthening this legal culture further can serve as a preventive mechanism against criminal behavior.

V. Conclusion and Recommendations

Conclusion

This study demonstrates that criminal responsibility in the United Arab Emirates encompasses both legal and social dimensions. Through a sociological analysis supported by key theoretical frameworks, the research has revealed the complex interaction between social factors and individual accountability.

Durkheim's theory of anomie, for instance, illustrates how a lack of societal equilibrium can foster crime, while Merton's strain theory explains how socio-economic pressures can push individuals into deviance. Poverty, limited access to education, and dysfunctional family structures were found to be significant contributors to criminal behavior. Sociological perspectives such as social learning theory and structural functionalism provide valuable insights into how deviant behavior is acquired and how legal systems can promote social reintegration.

The UAE's legal framework strikes a careful balance between punitive measures and social rehabilitation, aligning with the functionalist emphasis on restoring societal order. The Emirati

criminal justice system increasingly incorporates rehabilitative and therapeutic measures, reflecting a broader commitment to restorative justice.

Moreover, societal responses to crime—such as public awareness campaigns and reintegration programs—underscore the importance of viewing crime as a social challenge, not merely a legal violation.

Although female crime rates remain low, gender-based sociocultural pressures require further attention, particularly in light of conflict theory, which highlights how dominant societal expectations shape individual actions and legal outcomes.

Ultimately, criminal responsibility in the UAE cannot be understood purely in legal terms but must be interpreted through a broader sociocultural lens. This study encourages the integration of sociological insights into the design of legal policies to promote justice and reduce crime in meaningful, lasting ways.

Recommendations

A. For Legislators

1. **Integrate Social Dimensions into Criminal Legislation**

Encourage a legal approach that acknowledges how socio-economic and psychological factors—such as poverty, family breakdown, and inadequate education—influence criminal behavior and responsibility.

2. **Allow for Socially-Informed Sentencing**

Amend criminal laws to enable judges to consider mitigating social conditions during sentencing, following restorative justice models used in several Western legal systems.

3. **Focus on Rehabilitation and Reintegration**

Develop laws and programs that emphasize the social reintegration of offenders through specialized sociological and psychological support systems.

B. For the Judiciary

1. **Incorporate Social Assessment Tools in Legal Proceedings**

Use social and psychological evaluation reports during court proceedings to better understand the defendant's background and circumstances, in line with the principle of contextual justice.

2. **Promote Restorative Justice Alternatives**

Encourage the judiciary to employ alternatives to incarceration—such as mediation and community reconciliation—particularly for minor offenses.

3. **Train Judges in Legal Sociology**

Offer specialized training for judges in sociological jurisprudence to improve the interpretation of social contexts influencing crime.

C. For Educational and Social Institutions

1. **Incorporate Civic and Moral Education**

Include civic education, legal awareness, and personal responsibility training in school curricula to foster lawful behavior among future generations.

2. **Support Early Intervention Programs**

Design preventive programs targeting at-risk youth to enhance life skills, psychological resilience, and family support structures.

3. **Empower Families in Crime Prevention**

Develop partnerships between schools and families to promote positive parenting and early detection of behavioral issues, in alignment with social control theory.

D. For Researchers

1. **Encourage Field Research on Crime**

Conduct qualitative studies involving incarcerated individuals and their families to better understand the sociological roots of crime.

2. **Explore Cultural Influences on Female and Juvenile Crime**

Investigate the role of traditional values and gender norms in shaping criminal behavior, especially among women and youth.

E. For Media and Civil Society

1. **Enhance Media's Role in Legal Awareness**

Use media as a platform for educating the public about crime prevention, legal rights, and successful reintegration stories.

2. **Promote Innovative Community Solutions**

Support initiatives aimed at addressing root causes of crime through entrepreneurship, employment programs, and family stability interventions.

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