

FLOATING CRIMINALITY

" Migratory Fluctuation as a Causative Factor
in Adult Criminality in Kuwait"

A regional study presented before the Fifth United Nations
Congress on the Prevention of Crime and the Treatment of Offenders
held in Geneva , Switzerland, from 1-12 September, 1975 .

prepared by

Dr. Adnan Aldocory , LL.B. M.A. PHD. (Criminology) Professor in criminology
University of Kuwait , member of Kuwait delegation to the Congress .

4284

C O N T E N T S

- I . The Problem Stated .
 - II . Population movement and criminality ; cultural and legal background.
 - III . Floating criminality as by-product of huge illegal entries to the country .
-

I. THE PROBLEM STATED :

With the gradual decrease of mass emigration from Europe to America the subject of migration has practically become old-fashioned, since most temporary criminologists and sociologists have apparently lost zealous interest in the subject . However, and with the exception of America, no other country has witnessed such a mass movement of people as has the state of modern Kuwait on the Arabian Gulf . Though the cultural history of Kuwait is relatively short, only one single cultural fact reflects itself ; that Kuwait has been an attractive center for an endless migration which engraves a foreign track that has marked its various aspects of life and development . In fact, between 1957 and 1965 the population of Kuwait rose by an increase of (128) percent . Mostly young unmarried males, or those married ones who leave wives behind , constitute the bulk of such mass immigration .

There has been a significant growth of crime parallel to the migration movement, and adult migration may appear to represent a criminogenic factor of social importance .

Needless to say that population growth does not, by itself, increase criminality , but may contribute to the rise of some social problems which may, or may not, lead to an increase in crime rate . However, that has not been the case with the state of modern Kuwait . A peaceful land with peaceful people who were until recently far from a crime problem . In fact, Kuwait has its first four cases of homicides as late as 1949-1950 . Crime was a foreign innovation unknown to the Kuwaiti natives, save few occasional personal quarrels that were settled by tribal reconciliation . Nor was there a recognized system of criminal justice . Public tribal committees took over the handling of criminal cases from time to time . Nevertheless, such large scale migration has proved disturbing enough and has been recognized as a distinct factor in criminality . Amongst the more obvious outcomes of such mobility are the travelling offender, the smuggler, or other forms of illegitimate activities . Therefore, embezzlement , forgery, house breaking, and robbery have remarkably increased in both volume and in qualitative terms as being the forms of crime that represent the new dimension of criminality. Most countries would have nowadays passed increasingly restrictive anti-immigration legislation so that gradual control of mass immigration is made relatively possible . Kuwait , on its part, has apparently followed suit by passing its naturalization decree of 1959 . Such precautionary measures have apparently been quite ineffective to face the migratory crises and in particular the problem of illegal entries to the country. Between 1960-1965 crime in Kuwait rose from (4701) to (9018) , an increase of % 95.6. However , and comparatively speaking, the population of Kuwait rose during the period from (321,621) to (467,339) , an increase of % 31.1. Such an increase in the crime rate has not been attributed to the natural growth of population since official criminal statistics for the same period would indicate that more than % 80 of all offences have been committed by the Non-Kuwaiti population, and that has been true for the following nine years between 1966-1974 .

It has been practically impossible to estimate the accurate number of illegal entries to the country and consequently there has been no statistical evidence to determine the exact number of illegitimate immigrants responsible for criminal activities in the country . However, the available number of person deported by Kuwaiti authorities may certainly give a rough estimate as to the great number of illegal infiltrators who are arrested and immediately deported . It is usually conceived that a large scale deportation is indicative of large scale

illegal entries to the country, and this study is intended to substantiate any possible correlation between crime and mass immigration, both legal and illegal. Since it is realized that criminal statistics are deemed the foundation of systematic knowledge about the nature and the extent of crime problems, it is hoped that the inaccurate criminal statistics available for this paper, together with the lack of scientific criminological research on the subject, will not deprive the study of its empirical scientific value and that it will prove of good use for future studies.

II. POPULATION MOVEMENT AND CRIMINALITY; CULTURAL AND LEGAL BACKGROUND :

Kuwait is not a large country in area or population . Its territory, which does not exceed 7000 square miles, is located on the northwestern shore of the Arab Gulf between Saudi Arabia and Iraq . A riverless barren desert for the most part, with less than five inches of rainfall annually, such a rigorous physical environment made Kuwait fortunate in its accessibility which, in Arther Lewis's words, " Plays a Decisive Part in Stimulating Economic Growth" . (1)

The total length of frontiers is about 685 kilometers (426 miles) , of which 195 kilometers (121 miles) form the Arab Gulf coastline , 250 kilometers (155 miles) form the frontiers with the Kingdom of Saudi Arabia in the south and the west, and 240 kilometers (150 miles) constitutes the border with the Republic of Iraq in the north and the west . Exposure of Kuwait to other lands and people , Arab and Non-Arab alike, and the sudden transition from poverty to riches are responsible factors for the unusual population explosion through mass immigration . For Kuwait, immigration is considered necessary to its growth because it offers an unlimited supply of needed labour . Rapid economic development requires eventually a continuous movement of people to meet the rapid demand for manpower and labour . This would involve geographical, occupational, and other types of population mobility. As the society became more open , complex, urban, and relatively industrial, new problems emerged and opportunities for criminal activities multiplied.

Prior to 1949 , the year when oil began to flow, and prior to Kuwait independence in 1961, law and order were maintained in a simple and unceremonious fashion in accordance with Islamic Doctrine or Islamic Jurisprudence, together with tribal usages and local customs. Administration of Criminal Justice was the unbounded responsibility of the ruling family and crimes of violence were almost unknown .

In 1943 the first official police administration was established in Kuwait and a force of two hundred policemen was formed for the sole purpose of nightwatching and city patrolling . The average man on the beat was assigned for all day and night duty with no vehicles available . But since 1951, the Kuwait Police administration has gradually developed and is adequately equipped with modern technical accommodation and experience, a school for police training was finally established in 1956 .

The former description of law enforcement agencies in Kuwait certainly implies that crime problems were unknown to Kuwait society until the last two decades . This new period has been marked by the introduction of the first Kuwaiti Penal Code of 1960 which was amended in 1970 . In fact , the new penal legislation has apparently inaugurated a new era in the Kuwaiti criminal justice system .

When a sudden explosion of wealth took place during the last two decades the face of Kuwaiti society changed beyond recognition . But new problems have inevitably emerged; some fundamental problems which had rarely, if ever , been faced by the tiny State of Kuwait before . For Kuwait had to change from a city state to a sophisticated and complex modern state . This created new problems and Kuwait had to be prepared to pay the price .

(1) LEWIS , ARTHUR W , THE THEORY OF ECONOMIC GROWTH , HOMEWOOD , ILLINOIS, RICHARD D. IRWIN , INC., 1955 , P 53 .

The following table indicates a definite increase in crime volume during the years 1960-1965

| | | | | | | |
|--------------------|------|------|------|------|------|------|
| OFFENCES | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 |
| HOMICIDES | 14 | 78 | 38 | 48 | 41 | 45 |
| THEFTS | 1788 | 1783 | 2560 | 2466 | 3181 | 2929 |
| ASSAULTS | 1828 | 1696 | 2141 | 2003 | 2378 | 1932 |
| MORAL OFFENCES | 384 | 298 | 275 | 994 | 490 | 405 |
| LIQUOR OFFENCES | 269 | 201 | 451 | 795 | 1018 | 773 |
| EMBEZZLEMENT | 123 | 142 | 329 | 389 | 596 | 582 |
| DRUG OFFENCES | 23 | 53 | 40 | 54 | 74 | 69 |
| OTHERS | 322 | 1276 | 356 | 794 | 1086 | 2283 |
| TOTAL | 4751 | 5527 | 6190 | 7549 | 8864 | 9018 |

It should be noticed that embezzlement and forgery represent the new economic offences which were not known to Kuwaiti natives before the last two decades . This can be attributed to the drastic changes in modes of commerce and business .

As for the following nine years period, between the years 1966-1974 , felonies have practically maintained their gradual rise while misdemeanours have apparently shown an inconsistent scale . The following table may indicate such imbalanced trends of crime in Kuwait during this period :

| YEAR | FELONIES | MISDEMEANOURS | TOTAL |
|------|----------|---------------|-------|
| 1966 | 1320 | 7793 | 8113 |
| 1967 | 1604 | 3827 | 5431 |
| 1968 | 1742 | 6183 | 7925 |
| 1969 | 1455 | 4680 | 6135 |
| 1970 | 1652 | 4660 | 6312 |
| 1971 | 2153 | 5256 | 7409 |
| 1972 | 2423 | 5209 | 7632 |
| 1973 | 1964 | 3829 | 5793 |
| 1974 | 1895 | 3558 | 5453 |

While there has been no empirical evidence to explain the inconsistency of the crime rate shown in the above table during the last nine years , it is believed that such inconsistency is primarily due to the inaccurate crime reporting system on one part , and to the absence of a qualified criminal statistics bureau on the other . However, constructive steps are being taken by Kuwait to establish a scientific research center that should overcome such obstacles in the near future .

III. FIGHTING CRIMINALITY AS BY-PRODUCT OF HUGE ILLEGAL ENTRIES TO THE COUNTRY :

Migration is a basic phenomenon in human behavior . Some authorities maintain that there is a direct correlation between economic market forces and major population movements . Kuwait, for that matter, has become a uniquely attractive market for labour and a flood of skilled and unskilled workers flocked from abroad and , in particular , from its neighbouring countries .

While Kuwait has become a land of superlatives, Kuwaiti society has become a community of aliens . But there is another serious problem which emerged as by-product of such mass migration; that is illegal infiltration . In the face of national regulations precautionary measures, and despite all misery and exploitation there seems a persistence of illegal entry into the country . Young single males, impecunious illiterates and those of little education and skill , constitute the majority of illegal infiltrators . They usually settle in physically deteriorated, low income , residential areas in the city of Kuwait . They are driven by unemployment in their own countries and desperately search for a living in the newly rich land . Although there has been no identity scale related to the process of deculturization of these newcomers, there is ample evidence to believe that such young immigrants usually maintain their sentimental ties to their homeland and people on one hand, and limit themselves to Kuwait contacts which do not detach them from their traditional culture on the other .

It has been practically impossible for Kuwaiti authorities to produce accurate number of illegal entries into the country because of the fact that these illegal infiltrators are usually received upon their arrival by their relatives and friends who find them lodging and employment in an alien milieu . Once the infiltrator has escaped arrest and deportation he may well adjust himself by looking for a better and more stable job which is not so hard to obtain .

Kuwaiti law and regulations provide for two kinds of deportation : legal deportation , by criminal court order, of convicted offenders who have completed their sentence , and administrative deportation of illegal infiltrators upon their arrest . However, Kuwaiti authorities give the following estimates of persons arrested for illegal entry and immediately deported . These figures are for the year 1973 per month as follows :

| Month | Male | Female | Total |
|------------------|--------------|------------|--------------|
| JANUARY | 1769 | 51 | 1820 |
| FEBRUARY | 2396 | 31 | 2427 |
| March | 1100 | 28 | 1128 |
| April | 1663 | 35 | 1698 |
| May | 1845 | 36 | 1881 |
| June | 1792 | 31 | 1823 |
| July | 1560 | 23 | 1583 |
| August | 1752 | 25 | 1777 |
| September | 2058 | 26 | 2084 |
| October | 1455 | 28 | 1483 |
| November | 2880 | 37 | 2917 |
| December | 1887 | 28 | 1915 |
| T O T A L | 22157 | 379 | 22536 |

Moreover , between 1970-1974 Kuwaiti authorities deported (82,971) illegal infiltrators upon arrest and (3,963) convicted offenders upon completion of their prison sentences . They are distributed as follows :

| YEAR | LEGALLY DEPORTED | ADMINISTRATIVELY DEPORTED | TOTAL |
|------|------------------|---------------------------|-------|
| 1970 | 611 | 9783 | 10394 |
| 1971 | 796 | 10746 | 11542 |
| 1972 | 884 | 22820 | 23704 |
| 1973 | 833 | 22536 | 23369 |
| 1974 | 839 | 12792 | 13631 |

Such inconsistency in those official figures, again, cannot be explained in empirical terms because of lack of scientific research and statistical studies . But having realized that one quarter of the total volume of crimes are committed by Kuwaiti natives there is an ample evidence that the bulk of such mass deportation is deemed drastic in terms of crime control and crime prevention measures . It would certainly make crime in Kuwait a totally foreign phenomenon that is mainly attributed to some criminogenic factors related to immigration and of cultural and legal importance . It seems as if crime is floating through Kuwaiti mainland and seashore borders as a day-by-day practice for the last two decades . An average of (45) persons who are daily deported for illegal entry represents a major indication of a serious problem in crime control and law enforcement for Kuwaiti authorities . This figure, however, does not represent the actual number of persons who illegally cross the Kuwaiti borders per day, since not all the illegal infiltrators are officially arrested and deported .

=====

END

7 ables/more