



# Influence of Secondary Victimization on the Dark Figure of Criminality from the Perspective of Criminology

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## Abstract

The present work focuses on the study of secondary victimization in the obscure crime figure from the perspective of Criminology, demonstrating how both phenomena are correlated and bringing possible alternatives that make it possible to eliminate the occurrence of such factors. As possible alternatives that aim to reduce the occurrence of secondary victimization and obscure figures in crime, it is possible to point out the importance of formal social control, having trained professionals, who ensure that the path between the crime and the reporting of the fact to the competent bodies is the same. In the least serious way possible, effectively contributing to victims gaining confidence in reporting their occurrence, avoiding obscure crime figures and combating impunity with greater efficiency. It is also beneficial to raise awareness in society.

It is inferred that due to the violence and humiliation, and considering the fragility and vulnerability generally inherent to the victims, the criminal practice generates serious consequences, and there is still a lot to be done for the victims in order to lead to a significant mitigation of the occurrence of the phenomena addressed in this work.

**Keywords:** Criminology; Secondary Victimization; Obscure Cipher; Formal Social Control

## Introduction

The object of study of this work is secondary victimization (or survival) and its correlation with the obscure crime rate and ways to improve the Criminal Justice system from the perspective of Criminology. It is worth noting that secondary victimization comprises the suffering caused by the actions of the bodies that make up the Criminal Justice System (Public Prosecutor's Office, Police, Judiciary and Penitentiary Administration), resulting from the process of investigating

and punishing the infraction.

The obscure figure is an institute that belongs to the research scope of criminology, which in short, is the difference between the number of crimes that actually occurred and the number of reported crimes, referring to the number of crimes that fail to reach the knowledge of the Criminal Justice System, making it possible to make a correlation between this phenomenon and survival by establishing that the victim begins to discredit the component bodies of the

justice system, where understanding this premise will make it possible to seek ways of reduce the black toll, preventing the lack of credibility in formal social control from causing situations of perpetuation of violence.

The victim will be held responsible or even stigmatized in part, for the criminal act, in a social stimulus independent of the procedural result, which directly influences the result of the obscure figure, since the victim needs to deal with not only the criminal act, but with secondary victimization caused by the Criminal Justice System, in addition to the fear that affects the victim, who, often, in addition to distancing themselves from the social environment, ends up keeping the crime event to themselves, for fear of suffering reprisals and the expansion that the investigation of the crime will result in the facts that occurred, the victim will probably suffer victimization processes, affecting their psychology, demonstrating that their choice between reporting or not the criminal episode, can be a double-edged sword, and it is up to the Criminal System to develop ways of reduce secondary victimization, consequently reducing the black toll and the perpetuation of violence.

It is important to emphasize that, although the criminological phenomena treated in this research are a reality in all countries in the world, with greater or lesser intensity, the data and studies presented in this essay deal specifically with the Brazilian reality, and the peculiarities of the legislation must be taken into account. And characteristics specific to the social phenomena discussed here with the reality of Brazil as a paradigm.

## Methodology

This work uses bibliographic methods, through content analysis, of already published materials, such as books, theses, dissertations and scientific articles.

As for the methodology used, based on the premise that scientific research is one of the ways of understanding certain specific points, in the present work the deductive method is used, approaching secondary victimization and its relationship with the obscure figure of crime from the perspective of Criminology. , this work used bibliographical research in its preparation, through contents available in books, magazines, scientific articles, jurisprudence, with the purpose of analyzing how the aforementioned phenomena are capable of perpetuating violence.

The team of researchers is made up of two members, a student in the 10th period of the Bachelor's degree in Law and a professor, all from UNIFACOL – Centro Universitário Facol. The existing division for the development of the work was determined as follows: the teacher was responsible

for guiding the research, reviewing the textual content and its methodology and contributing with important legal content on the subject. On the other hand, the students were responsible for reading and analyzing the theoretical and doctrinal foundations, investigating and appreciating the content that constitutes the scientific-legal problem. Furthermore, for the publication of this research, a third member was added to the team, this being a criminologist member of the Center of Criminology Research at the University of South Wales, who carried out a technical review of the criminological concepts covered in this research and the adequacy of its content to the format required by the magazine for publication.

## Theoretical Framework

Etymologically, the word "criminology" is derived from the Latin "crimen" (crime) and the Greek "logos" (treaty) [1]. In short, it would be the "Treatise on Crime", the term referred to here was used for the first time in 1883 by Topinard and applied internationally by Garófalo, in the book Criminology, in 1885 [2]. It was through studies carried out by the Italian positivist school that Criminology began to enjoy the status of an autonomous science, enabling the conceptualization of such an important discipline.

Penteado Filho [3] defines criminology as the study of crime. However, criminology does not just analyze the crime, but the social situation, the victim, the criminal, the criminal prognosis, etc.

In each historiographic era of Criminology there is a protagonism of one of its objects, based on observation and experience and is interdisciplinary, with the referred science as its object of analysis being the crime, the author of the criminal behavior, the victim, formal social control and information on criminal conduct and possible ways of preventing crime.

The study of the victim ended up revitalizing Criminology, pointing out new directions, with Victimology being a fundamental instrument of government policies, as it allows the design of preventive government strategies to avoid victimization and the occurrence of harm.

In this regard, Gonzaga [4] considers that: Victimology is a discipline within Criminology that aims to study the victim, their personality, their characteristics, their relationships with the offender and the role they assumed in the origin of the crime.

Through the study of Victimology, the phenomenon of crime can be tackled with greater effectiveness, designing victim prevention, based on the premise that it is possible

to collect data from crimes reported by victims to control bodies to those that are no longer informed and end up being part of the phenomenology of the dark crime figure.

Within victimological studies, studies on victimization stand out, which in short can be said to be the process of becoming a victim, being victimized.

In Brazil, research on victimization is carried out through Ilanud – United Nations Latin American Institute for the prevention of crime and treatment of offenders – and allows comparison with other countries, which is essential for understanding our criminal reality.

Jurist and professor Diniz defines victimization as “the act of making someone a victim; action or effect of victimizing a person or group” [5]. For Farias Júnior, a pioneer in the teaching of Criminology in southern Brazil, victimization is the process through which a person becomes a victim or becomes a victim. For Alvino Sá [6], former professor of criminal and legal psychology at Universidade Presbiteriana Mackenzie, victimization would be a complex process, through which someone becomes, or is elected to become, a target object of violence by another person.

In criminology, three distinct concepts of victimization that recur in society are considered: primary, secondary and tertiary, and this work will focus on secondary victimization.

In summary, primary victimization is the direct impact of the crime on the victim, secondary victimization is the impact of the criminal justice system on the victim, and tertiary victimization is the impact of the crime on the community.

Emphasizing that secondary victimization results, especially, from a penal system focused on the repression and investigation of crime, the lack of victimological training of its agents and, last but not least, material and human scarcity [7].

Currently, the criminal justice system in Brazil is made up of the political apparatus of the State, covering bodies of the Executive and Judiciary Powers at all levels of the Federation. This system is organized into three main fronts of action: public security, criminal justice and criminal execution. In Brazil, the aforementioned justice system is directly linked to the Constitution, both in its recent constitutional formulation and in its traditional procedural formulations, combining a series of distinct principles for the production of legal truth aimed at managing criminalized conflicts in society, including the guarantor conception inserted in the Federal Constitution that spread in Criminal Law, focusing on the fundamental rights and guarantees of the citizen, as well as it is from the text of the Federal Constitution of 1988

that fundamental principles of Criminal Law derive, among which dignity of the human person, although there are still inconsistencies, flaws and loopholes that give a wide margin of possibility of procrastination in the criminal process [8].

For Cunha [9] Criminal dignity, therefore, would occur as a reflection of constitutional principles and values, mirroring them. Going further, there would be the imposing force of the Constitution to protect constitutional values through incrimination, giving effectiveness to the content of the constitutional text.

In this context, the actions of society and the State are the basis, responsible for public security, and they are responsible for contributing to the reduction of crime, and in this context we highlight the roles of informal social control and formal social control, with informal social control being represented by the school, the family, the Church and public opinion, formal social control is the intervention of the State in the emergence and labeling of deviant or criminal behavior and examples of such interventions are the Police and the Judiciary. They are the formal agents of social control, who act ultimately, used as a coercive means, through public bodies, whose purpose will be to punish the individual who violates the rules imposed by social control.

Regarding the role of the victim, in the Brazilian criminal justice system, it is noted that it is a complex and multifaceted, as traditionally the main focus of the criminal justice system has been on punishing offenders rather than providing support and assistance to victims. However, throughout history, with regard to the role of the victim throughout criminal prosecution, two initiatives are considered innovative, as they gave rise to victimological devices that were hitherto unheard of in the Brazilian criminal procedural system, for example: the restorative procedures concerning law 9.099/ 95 [10] and criminal proceedings relating to domestic and family violence provided for by law 11.340/06 [11].

As for the phenomenon of the obscure figure, it arises in the context that crimes pass through the funnel of social control, and the phenomenon referred to is the difference between the total number of crimes and the crime officially detected through statistics, which demonstrates that the levels of crime are higher than those officially registered.

According to Penteadó Filho [3], criminal statistics serve to support public security policies. The problem is that data on crime may not demonstrate reality, precisely due to the “black crime figure” or “hidden crime figure”.

The black figure represents the difference between appearance (official knowledge) and reality (total volume)

of conventional crime, consisting of unidentified, unreported or uninvestigated criminal acts (due to lack of interest on the part of the police, in victimless crimes, or in the interest of the police, under pressure from economic and political power), in addition to technical and material limitations of social control bodies [12].

It can be stated that the criminal process does not end victimization, as this process results in the losses of the experience of the phenomenon of crime, making the relationship between the obscure figure of crime and secondary victimization evident from the moment the victim chooses to remain inert., not reporting the incident, precisely because she feared that the victimization process would fall on her again.

In this sense, it can be said that the core of the victimological movement finds common points in human rights, based on the assumption of the essentiality of valuing the Dignity of the Human Person that correlates human rights with victimology, granting the victim rights and protections that were non-existent or neglected.

One possibility to alleviate the phenomenon of secondary victimization, applicable to the system of formal social control very well pointed out by Franco, and cited by Zaffaroni and Pierangeli, in the book *Manual of Criminal Law*, would be: decongest the judiciary, removing cases from the shelves; efficiently resocialize the perpetrator of the criminal offense to the extent that he is forced to assume, before the victim, his moral responsibility; provide a greater level of satisfaction to the victim, who could immediately obtain the material or moral reparation due to them and thus avoid being victimized again through the formal process [13-20].

It remains clear that it is essential that innovative public policies, better working conditions, adequate physical structure and investment in human resources are adopted, so that the victim does not suffer new revictimization by formal social control, thus avoiding the obscure figure of crime [21-31].

## Conclusion

Through this study it is noted that it is essential to understand the complex dynamics that contribute to secondary victimization, including social and cultural factors, institutional practices and individual behaviors. Through interdisciplinary research and collaboration, we can develop more comprehensive theories and strategies to prevent and address secondary victimization, promoting justice and reducing the dark crime toll [32-42].

In summary, this study highlights the importance of

considering secondary victimization in the obscure crime toll. From a criminological perspective, we can observe that secondary victimization can have a significant effect on underreporting and victims' lack of confidence in reporting crimes to the competent authorities. Therefore, preventive measures and an appropriate and sensitive approach by the criminal justice system are necessary to reduce the influence of secondary victimization and promote justice for all victims. Therefore, it is essential to invest in training programs for professionals in the area of public security and criminal justice, in order to create a culture of support for victims.

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