

In the conclusion of the paper for the analysis will be made appropriate suggestions. The countries were selected based on constitutions of foreign countries translated into the state language of Georgia.

## **The Concept of Crime according to Emily Durkheim**

*David Tsulaia*

*Doctoral Student, Tbilisi State University, the Faculty of Law  
Lecturer, Assistant Professor of the East European University*

**Keywords:** Concept of crime, pathological, criminological issues.

There are many theories about crime, but the concept of the French sociologist and philosopher Emily Durkheim is exceptional one. At a time when scientists were developing biological theories of crime, Emily Durkheim was developing a concept of crime with an innovative content. To explain the crime, he used the criteria of normal and pathological and argued that crime is not only pathological, but also a normal phenomenon.

Durkheim calls social pathology an anomie, when a person violates the norms accepted in society. In his view, the fact, the pathological nature of which is indisputable, is a crime. Even the arguments that characterize crime as a normal occurrence are based on the fact that there is no society in which crime does not happen that it is impossible for a society to be completely free from crime.

An interesting aspect of Durkheim's concept is the criterion by which he distinguishes pathological and nominal conditions. In

particular, if violations of the law are dominated in society, it is called anomalous, pathological. Whether the event is pathological or not, should be determined in relation to the whole community. The existence of a crime is normal in itself, but only when it does not exceed the level set for the social type. The crime, in case of excessive growth, takes an abnormal, pathological form. Durkheim calls normal, the facts that are the most spread.

However, Durkheim goes even further. In his view, crime is necessary and useful because the conditions to which it relates are, in turn, essential to the evolution of morality and law. In his viewpoint, crime often appears to be a broadcaster of future morality, a facilitator of progress for the future.

It is noteworthy that Durkheim's opinions are shared by most modern sociologists, and his concept, from a criminological point of view, has great theoretical significance, which implies the possibility of a new interpretation of the concept of crime and the definition of their role in criminological issues.