

Analysis of Crimes Committed by the Elderly from the Perspective of Law and Economics

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Abstract: In recent years, the research enthusiasm for crimes committed by the elderly has gradually declined, and if crimes committed by the elderly are not prevented, with the acceleration of the aging process of the population and the growth of the number of elderly people, the social harm will become increasingly significant and crime among the elderly will also become increasingly difficult to control. This paper will start from the perspective of law and economics, and introduce the way of thinking of economics to fill the shortcomings of traditional law, making it more visual, from abstract to concrete. From the “cost and benefit” level in economics and combined with the actual situation, the reason for the crime of the elderly is because of its low crime cost and high crime income, and at the same time combined with economic knowledge to think about how to reduce the probability of elderly’s crime.

Keywords: crimes committed by the elderly, cost and benefits, law and economics, crime prevention

1. Introduction

There are a lot of factors that leads to crime and older persons belong to a special group, so solving crime in a single way is inefficient and incomplete. Using absolutely rational and clearly computable economics combined with law to analyse elderly crime has great value in reducing the probability of crime among the elderly and improving the legal system. This is also the significance of law and economics that is a new discipline.

2. Current Situation of Crime among the Elderly

Internationally, the proportion of people over 60 years old to the total population is usually set at 10%, or the proportion of people over 65 years old to the total population is set at 7% as the standard for countries or regions to enter an aging society.

2.1. Criminal Subject

First of all, from the age distribution of crimes committed by the elderly, the proportion of young elderly people aged 60-69 is very large. According to the statistics of known sample information: there are 187 elderly people aged 60-69, accounting for 49.1% of the total number, accounting for the largest proportion; There were 143 people aged 70-79, accounting for 37.5% of the total, accounting for a relatively large number; There were 31 elderly people over 80 years old, accounting

for 8.1% of the total number of crimes committed by the elderly, accounting for the smallest proportion. [1] Secondly, according to the survey report, old people with low levels of education are more likely to commit crimes. In 19 cases of crimes committed by older persons, 11 persons with primary school education and 8 were illiterate [2]. Secondly, the proportion of crimes committed by older people living alone is greater. This is due to the fact that they lack the company and guidance of their children and spouse. As a result these old people's psychological problems are not easy to detect and accumulate day by day until they erupt and commit crimes.

2.2. The Object of the Crime

The social circle of the elderly is relatively small and fixed, social participation is not high, coupled with their physical function decline, it is difficult to fight against normal functioning ordinary people, so the target of their crime is usually their relatives, friends and other close people, among which children, women and other people with weak awareness of prevention are particularly the focus of their crimes. [3]

2.3. Types of Crimes

According to the statistics of a city in the decade from 2008 to 2018, the types of crimes committed by the elderly mainly include property crimes and sexual crimes, of which 91% of the crimes of the elderly involve economic crimes, and the crimes involved mainly include theft, fraud, and opening casinos; Sexual offences are mainly rape, forcible indecent assault and humiliation. In contrast, crimes endangering national security and undermining the order of the socialist market economy rarely occur, firstly, because the status of most elderly people is not enough for them to commit this type of crime, and secondly, because the actual benefits they can bring to the elderly are not large.

2.4. Criminal Means

Because the elderly have no advantages in physical strength and strength, if the implementation of criminal activities that require a lot of physical strength, it is very difficult for most of the elderly, so the elderly will choose to use weak help and other means to deceive trust, after they relax their vigilance, they are not prepared to start, and achieve their goals by easier means, so that their "criminal interests" are maximized.

3. Economic Characteristics of Crime in the Elderly

Gary Becker, a leader in crime economics, believes that crime is an economic act, and criminals choose crime because they can get more from it than other activities. However, with the continuous improvement of Becker's model of crime economics by economists, the consensus reached after the introduction of social interaction theory is that different groups have different feelings about the proceeds of crime in the same external environment, and this subjective feeling is largely affected by social interaction. Therefore, in addition to the subjective factors of the elderly themselves, the factors that induce the crime of the elderly are also affected by the objective influence of society.

3.1. Low Crime Costs for the Elderly

The view of crime economics is that the perpetrator is an 'economic man' who pursues the maximization of personal benefits. So about 'Why do different people choose different ways and types of crimes?' And what motivates the perpetrator to break the law? These problems can be explained by the cost-effectiveness principle of economics.

The cost of crime includes three contents: direct cost, opportunity cost, and penalty cost [4]. Direct costs are the human and material resources directly invested in the criminal's crime, such as purchasing crime tools, formulating crime plans, and preparing escape methods. The opportunity cost (substitution cost) of crime is the highest benefit that the offender can obtain by investing the resources invested in the crime into legal channels. Therefore, if the offender obtains less profit by using legal means, the lower the opportunity cost of committing the crime. The opportunity cost of crime is different for each person, usually related to their age, occupation, level of education, etc. The cost of criminal penalties includes substantial penalties such as fines, imprisonment, deprivation of rights and confiscation of property, as well as the negative effects on the offender after the offence. However, the cost of punishment does not necessarily appear, and if the relevant authorities do not detect the crime or do not convict and punish, and the perpetrator himself does not have any negative emotions caused by his criminal behavior, the cost of punishment is zero.

3.2. High Criminal Income for the Elderly

Proceeds of crime refer to the benefits obtained by the offender through the crime, both economic and non-economic. When the expected proceeds of the offender are economic gains, we can estimate the proceeds of crime in the case by comparing the amounts involved. In the statistics of crimes committed by the elderly in previous years, property crimes such as theft and fraud accounted for a large proportion, because for the special group of the elderly, with the increase of age, the whole body functions of the elderly have different degrees of aging, and physiological changes also limit their range of activities. Most of the elderly have retired, and it is difficult to re-enter employment due to their limited physical conditions, they cannot afford high-intensity work, or even can not do any work, and their wages will naturally be lower than those of young adults, so it is not difficult to see that their gains through crime are much greater than those obtained through legal channels.

However, if the expected benefits of the offender are non-economic, such as the physical and psychological satisfaction brought by the crime, it is difficult to estimate the extent of the criminal proceeds brought by the crime. As we all know, after entering the old age, people's sensory organs will become more and more dull, which leads to the weakening of the communication ability of the elderly and greatly reduced social participation, so that the concept of the elderly conflicts with the mainstream views of today's society, resulting in the dilemma of hitting a wall everywhere. In addition, the elderly belong to the vulnerable group, in the standard of living, their own competitiveness and learning ability and other aspects of the gap with other groups is serious, easy to cause their own inferiority, frustration, loneliness and unfairness, etc., their legal rights are also easy to be occupied by other groups in society, when the psychological defense of the elderly to the edge of collapse often may choose a very extreme, distorted way to vent their inner negative emotions. Once the problems of the elderly themselves cannot be properly solved through legal channels, the use of violence and other "final resistance of the weak" will naturally occur. When the expected income of the perpetrator is non-economic gain, the crime usually occurs as a crime that threatens personal and social security, such as homicide, rape and other personal crimes. Therefore, when the psychology of the elderly is distorted, the criminal proceeds brought by criminal acts will be immeasurable, and the probability of him choosing to commit crimes will be greater, and it will be difficult to reduce the probability of crimes committed by the elderly by controlling external factors. At the same time, their criminal acts bring greater harm to society.

4. Societal Measures for Crime Prevention in Relation to the Elderly

4.1. Increasing the Cost of Crime for the Elderly and Reducing the Proceeds of Crime

Increasing the cost of crime can start with increasing the opportunity cost.

(1) Emerging occupations suitable for the elderly. At present, the relevant laws and regulations on the re-employment of the elderly are still blank, and the rights, responsibilities and protections have yet to be considered. According to research statistics, a large part of the 60-69-year-old young people still have the willingness and ability to work, but employers and elderly job seekers have always been the “law of supply and demand” of economics supply is far less than demand, so it is difficult for the elderly to re-employ. If they can have a legal and convenient way to help them re-employment after retirement, then according to their rich work experience and related professional skills, especially academics and doctors and other occupations that need to accumulate over time, compared with many inexperienced young people, the salary will be relatively high, which greatly increases their opportunity cost, but also allows them to obtain inner satisfaction, reducing the probability of this group choosing to commit crimes.

(2) Enrich the lives of the elderly. When the elderly can get satisfaction from other legal activities, it can replace the moral benefits brought by crime and reduce the probability of crime for the elderly.

4.2. Solving the Psychological Problems of the Elderly

With the increase of age, the elderly will have a variety of negative emotions and psychological problems, and even different degrees of psychological distortion, which is also the root cause of many elderly people choose to commit crimes to satisfy themselves, so society should pay more attention to the psychological problems of the elderly.

(1) Hold more lectures and activities about the elderly. For example, inviting relevant sociological or psychological experts to give relevant lectures and answer questions or organizing social activities so that the elderly can communicate with each other, etc., which can not only help the elderly correctly understand their own value, eliminate loneliness and loneliness, but also let more people pay attention to the problems of the elderly. In addition, opening various legal classes for the elderly to enhance their concept of the rule of law and self-prevention awareness can also achieve the purpose of preventing crimes committed by the elderly. [5] This requires the active organization of governments and communities and relevant departments to encourage the elderly to “go” out and continue to walk side by side with society.

(2) Include mental health in the physical examination of the elderly During the physical examination of the elderly, it will be more accurate for psychologists to assess the psychological status of the elderly, and they can also detect and treat their psychological problems in time. In addition to this, the results of the psychological state assessment can also serve as a rough assessment of the likelihood of committing a crime.

5. Improving the Thinking of the Legal System for the Elderly

Appropriately delay the retirement age, or determine the retirement age according to the intention and physical condition of the elderly. When some elderly people reach the legal retirement age, their bodies are still very tough and can withstand the current work intensity, and delaying retirement at this time can reduce their inner frustration and sense of loss and effectively relieve their psychological pressure. Therefore, the state can introduce relevant laws and regulations to delay the retirement age of the elderly.

Improve the method of non-criminal punishment for the elderly Economics pays attention to efficiency and obtains the greatest benefits at the lowest cost, so from the perspective of legal economics, punishing criminals is also a matter of ‘efficiency’. For some elderly offenders whose crimes are minor, have a good attitude of admitting their mistakes, have not caused major consequences, and whose victims’ families can understand and accept compensation, the purpose of

punishment may be achieved through some non-criminal punishment measures, such as compensating victims for losses, criticizing education, and apologizing to victims.

Because the life of the elderly is entering the countdown, they will pay more attention to the present. So older people care more about today than about the future relative to younger people, so they may not care about the cost of penalties. The time and method of punishment cannot be accurately predicted, and the punishment will occur in the future, and it is not difficult to see that the same punishment will not matter to some elderly people over time. When they do not care about the cost of punishment, the cost of their crime will actually be much reduced, and it may be counterproductive if they are still obsessed with increasing the punishment, and the use of non-criminal punishment methods may be more conducive to reducing the probability of crimes committed by the elderly.

The use of non-criminal punishment methods can not only allow them to bear legal responsibility, clearly recognize their mistakes, regain a sense of social belonging through emotional stimulation such as understanding of victims or their families, but also effectively save manpower, material resources and other resources to maximize the effectiveness of punishment.

6. Conclusion

At present, countries have not paid attention to the phenomenon of crimes committed by the elderly, and there is a lack of stricter laws and regulations to better deal with it, but with the rapid growth of the elderly population, solving the problem of crimes committed by the elderly is bound to become the mainstream of society. The integration of economic theory knowledge can analyze the crimes of the elderly more objectively, and effectively protect the legitimate interests of the elderly and solve such crimes under the premise of following the principle of modesty of criminal law. ‘Reasonable people live more freely in the general legal system than in unfettered solitude.’

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