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INVISIBLE CRIMES, INVISIBLE VICTIMS: A SOCIO-LEGAL AND ANTHROPOLOGICAL INQUIRY INTO THE CULTURAL PRODUCTION OF SILENCE AND THE DYNAMICS OF NON-REPORTING IN CONTEMPORARY SOCIETIES

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ABSTRACT

One of the most important but least acknowledged problems in the modern-day criminal justice is its invisibility. Although the laws in different jurisdictions rely significantly on the reported data to characterize and address the criminal behaviour, a decent percentage of the malicious activities are still hidden in the realms of privacy, institutions, and transnational. This paper explores the issue of invisible crimes in socio-legal and anthropological perspective, which dwells upon the cultural creation of silence and patterns of non-reporting in the global arena.

Based on the criminological concepts of the dark figure of crime and the anthropological interpretation of stigma, honour, and social conditioning, the paper will claim that invisibility is not accidental but rather a product of the interaction between the cultural norms, structural inequalities, and institutional constraints (UNODC, 2024; UN Women, 2024).

Further, the paper critically assesses the national laws of the international community and identifies their weaknesses of covering underreporting and invisible victimhood. It ends by recommending the need to adopt victim-based, culturally sensitive, and structurally responsive legal processes that would close the disparity between the law and the realities of life.

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KEYWORDS

Invisible crimes; Invisible victims, Cultural silence, Non-reporting, Dark figure of crime, Human trafficking, Victimology, Socio-Legal analysis, Legal anthropology, access to justice, Structural Inequality.

INTRODUCTION

The oppression in any part of the world poses a threat to justice in any part of the world.

Martin Luther King, Jr., Letter From Birmingham Jail (1963).

In the modern legal systems, the main way of understanding crime is the reporting, documenting and institutional processing. It is this dependency on the visibility that constitutes criminal justice responses. Nevertheless, this methodology is in itself a way of shutting out a large percentage of such acts of malice that go unreported, unrecorded, or normalised in society. Such invisible crimes as these unrecognized harms do not allow classifying the official statistics as the true representation of the criminal activity prevalence (UNODC, 2024).

The occurrence of the invisible crimes is displayed in a wide range of settings such as domestic violence, human trafficking, labour exploitation, and abuse among the marginalised communities. The fact that they remain invisible does not mean that they do not exist but they have obstacles that do not allow victims to seek attention. The paper will support the argument that invisibility is not only a choice but it is a systematic creation that is created by the norms of cultures, structural inequalities and institutional constraints. The study adopts the socio-legal and anthropological approach to look at the role of silence in construction and the way it is maintained in societies. It also examines how the legal systems, based on the reported data, unwillingly contribute to invisibility.

This paper aims at critically examining the processes of non-reporting and cultural production of silence and underscoring the consequences of the same to the global justice systems. By so doing, it aims at redefining crime outside its official acknowledgement and the importance of having inclusive legal systems.

LITERATURE REVIEW

Underreporting has been a problem that has been a long-standing concept in criminology especially with the term of dark figure of crime that is defined as the difference between the actual and the reported crime (OECD, 2023). The initial research was mainly based on the statistical inconsistency, but nowadays the study is extended to the socio-cultural and institutional aspects.

The literature on victimology has highlighted that the victimology reporting behaviour is determined by fear of retaliation, social stigma and mistrust in the law enforcement. According to global researches, domestic violence and sexual abuse are among crimes that are underreported and victims tend to consider social stability as a priority, instead of the prosecution (WHO, 2021).

The anthropological studies have also given an additional understanding on how the perceptions of crime and victimhood are developed through the influence of cultural norms. Honour, shame, and collective identity are some of the concepts that are critically considered to define the perceptions of harm as something that can be reported (Amnesty International, 2022). Silence in most societies is not just the choice of an individual but it is a social norm that is enforced.

Regarding transnational crime, the International Labour Organisation (2022) and the International Organisation of Migration (2023) research point to the methods of making the victims of trafficking invisible by coercing them, depriving them of legal identity, and being afraid of the authorities. These researches indicate that invisibility has been structurally created in most instances.

Although it is a subject of study, the gap that exists between the socio-legal and the anthropological is the lack of incorporation of these two approaches in ensuring a comprehensive approach to the issue of the invisible crimes. The gap that is discussed in this paper will fulfill this by integrating these approaches.

The studies of trafficking also emphasize structural invisibility, according to which the victims are bound by coercion and the absence of legal identity (ILO, 2022; IOM, 2023).

THEORETICAL FRAMEWORK

This paper takes an interdisciplinary theoretical approach that incorporates criminology, anthropology and the socio-legal analysis in order to investigate the issue of the invisible crimes. Its main essence is the criminological notion of the so-called dark figure of crime, implying the difference between the crimes according to the official records and the real rate of the crime. This principle has long been at

the heart of criminology since the first victimisation research, as it underlines the fact that, only reported data cannot be used to learn about crime patterns (UNODC, 2024).

There has been long debate among the anthropologists that silence is not just the lack of speaking, but it is a mediated practice depending on the norms of honour, stigma as well as power relations. In most cultures, people learn to live by certain expectations which do not encourage reporting of harm particularly when that reporting will result in a social break or individual identity (Human Rights Watch, 2023). Such cultural constructs determine whether people make sense of their experiences as criminal and whether they consider reporting an option or not.

The invisibility is further enforced by the legal system structure in the socio-legal viewpoint. Legal institutions are also reactive in nature as they have to be formally complained about and met the standards of evidentiary action. Consequently, this has the effect of leaving unreported crimes beyond the domain of the law (UNDP, 2024). This forms a structural bias whereby the law will be reliant on the visible hence locking out a considerable percentage of lived experiences.

It is the combination of these views that allows having a better conceptualization of invisible crimes being the result of both cultural conditioning and institutional design. Instead of considering non-reporting an individual failure this framework puts this failure in a much larger context of power, knowledge and social organisation.

CONCEPTUALISING INVISIBLE CRIMES

The concept of invisible crimes can be referred to as a type of crime that has not been reported, underreported, or not recognized by the formal legal systems (properly). The crimes fall in a large range, between those committed between people in personal space, to more sophisticated transnational crimes like human trafficking. The lack of harm is not their hallmark, but the lack of consideration in the institutional structures.

The main point of this discussion is the notion of victimhood which largely relies on recognition by legal standards and is determined by reporting and proving of the evidence. As a result, victims may not be officially declared as victims in case their experiences are not brought to the legal systems. This forms a paradox of the harm being present without recognition and the conventional legal definitions of the crime and victimisation.

Victimology has also identified in scholarly literature that the structural inequalities that determine access to victim status are such as socio-economic status, gender, and marginalisation (UN Women, 2024). Those who are deprived of the resources or institutional support would have a higher chance

of staying hidden in the legal procedures. Moreover, some types of harm including the ones, which happen in domestic or informal settings are usually normalized, which complicates the process of identification.

In other situations, the victims might fail to recognize themselves as such because of internalised standards or the fear of being punished by the society. This puts into doubt the universality of legal categories and as such the need to seek cultural context in the definition of victimhood.

In this way, the conceptualisation of the invisible crimes needs to go beyond the formal legal definition and the use of social, cultural and structural aspects. The invisibility is not to be understood as the lack of reporting only but the state of being constructed actively with the intersecting systems of power and exclusion.

CULTURAL PRODUCTION OF SILENCE

Silence as a phenomenon of crime is the active product of the social phenomenon due to cultural norms, values, and expectations instead of passive lack of communication. In most societies, people are not encouraged to report hurt because of strongly held beliefs behind honour, shame, and integration within the society. These constructs of culture are important in the way people perceive their experiences and whether they believe that they are worth disclosure or not (WHO, 2021).

In the case of domestic violence, as an example, cultural discourses often construct the notion of cultural violence as a domestic or family issue and not a legal issue. These stories may be internalised by the survivors thus resulting in late or no reporting. Silence is further supported by fear of social stigmatization, financial dependence and the possible breakages of families. This proves that cultural norms do not only affect behaviour, but they are also the determinants of harm perception.

Equally, when it comes to human trafficking, at times the silence is imposed by the use of force and cultural confusion. The victims can be separated with the common social setups and be placed in such a situation where they cannot help themselves. The absence of knowledge regarding the legal rights, and fear of retaliation, results in the condition when silence becomes one of the survival tactics (ILO, 2022).

These dynamics depict that invisibility is never an accident but a systematically created phenomenon in the course of the cultural processes. The problem of solving the crimes that people cannot see implies that it is the task of both the law and culture, which will need to transform and redefine the norms of disclosure and victimhood.

STRUCTURAL BARRIERS

The structural and institutional influences are very essential in perpetuating the invisibility of crime as it restricts access of the victims to the justice and prevents reporting. Such barriers exist on various levels, such as socio-economic inequality, institutional suspicion, and complexity of the procedures, which play a role in the continuation of unreported harm (World Justice Project, 2023).

The lack of trust in the law enforcement and the judicial institution is one of the biggest barriers. Victims of such institutions in most cases feel that the institutions are not working, and are biased or even hostile. This image is usually based on the experience of the past or in the systemic disparities and, therefore, people do not want to resort to any formal reporting systems at all.

The legal procedures may be tiresome, expensive and emotionally demanding especially to the victims of the crimes that may be sensitive like trafficking or domestic violence. The need to give evidence, retell of the traumatic experiences, and go through the strange legal systems may demoralize victims to seek justice.

When considering the circumstances of trafficking networks, especially the ones detected within the period of 2023-2026, within the framework of Southeast Asia, the victims are usually placed in the situation that prevents any reporting at all. Compliance and silence are guaranteed by constant surveillance, physical confinement, and even threats of violence (UNODC, 2024). These are further complicated by institutional constraints such as the unavailability of training, poor victim support services as well as a poor coordination of agencies. Such systemic obstacles indicate the necessity of the reforms that would focus on the accessibility, sensitivity, and protection of victims in the legal systems.

SOCIO-LEGAL LIMITATIONS

Socio-legal analysis indicates that the organization and operation of the legal systems are a factor that makes some crimes invisible in nature. The legal systems are largely reactive and are based on reported incidences as a source of launching an investigation and adjudication. This dependence on the visibility has a structural limit, with the crimes that remain not reported essentially being beyond the jurisdiction of the law (UNDP, 2024).

The victims of invisible crimes may be under the burden due to the presence of evidentiary requirements within the legal systems. The necessity of physical evidence, reinforcement, and official report may often rule out incidences when the evidence is hard to acquire like the ones that take place

in a personal or informal context. This makes it even more difficult to the victims who are to be recognized of their sufferings.

Socio-legal scholars have claimed that law does not only react to the social realities, but also creates them. Through more emphasis on visible and reportable forms of harm, legal systems legitimize existing hierarchies of recognition, which experiences are recognized and which are disregarded.

To solve these restrictions, it is necessary to change the reactive legal approach into proactive one. This involves realisation of some patterns of harm more than individual complaints and mechanisms of identification and response to unreported crime.

INTERNATIONAL FRAMEWORKS

The rights of the victims and the need to access justice have increasingly been recognized in international law systems. Such instruments like the United Nations Declaration of Basic Principles of Justice to the Victims of Crime and Abuse of Power (1985) underline the importance of fair treatment, restitution and support of the victims. Nevertheless, these systems tend to work on the hypothesis that victims are going to emerge and present themselves to legal systems.

This is a major limitation of this assumption in dealing with the issue of invisible crimes and, therefore, there is still a big gap between the formal and the actual access to the justice.

In addition, international standards have been applied differently in different jurisdictions. The disparity in legal frameworks, resource access and social-cultural backgrounds influences the level of these structures being actualised in reality. The law in most instances is there in theory but they are not accessible to the people who require it most.

The recent reports across the world have pointed at the need to implement the victim-focused approaches which extend beyond the legal recognition of victims to the actual realities of non-reporting. This is through creation of confidential reporting systems, empowerment of support systems and rights awareness advocacy. Finally, to ensure the handling of the invisible crimes in the international legal systems, it is necessary to put an end to the strictly legalistic attitude towards the problem and rather adopt the social and cultural perspective.

CASE STUDIES

CASE STUDY 1: THE MISSING AND MURDERED INDIGENOUS WOMEN.

The last twenty years of the crisis of missing and murdered Indigenous women in North America has unveiled the structural failure in acknowledging victimhood. In 2016, the Canadian government officially introduced a National Inquiry following an accumulation of evidence that thousands of Indigenous women had disappeared or been murdered in situations, which had not been adequately investigated.

The reports that surfaced out of the investigation had recorded that there were recurrent trends where cases were either disregarded as voluntary disappearances, late in registration or poorly investigated. Institutional inaction was also frequently reported by the families as a result of which they had to search on their own.

Anecdotal reports of afflicted families have been of instances where police reactions were characterized by apathy at the onset of such cases and missing persons cases not being handled urgently. This is a wider trend of marginalised identity overlapping with institutional prejudice, whereby the marginalised are selectively visible under law.

CASE STUDY 2: UNDERREPORTING OF HUMAN TRAFFICKING.

Human trafficking is also among the least reported crimes in the world, and the statistics gathered in more than 150 countries show unsuccessful detection of the crime. Invisible trafficking is especially reflected in new types of exploitation.

Another striking trend that is expected to emerge between 2023 and 2026 is the emergence of scam-based trafficking networks in South East Asia whereby people are tempted by purported job opportunities and then subjected to cybercrime activities. The victims usually become restricted, followed and forced into being involved in fraudulent online operations.

Based on research, it is noted that most victims think they are going to migrate to get good jobs only to be caught in restricted conditions. The survivors often fail to report even in situations where they can escape because they fear being prosecuted since they have committed crimes that they were forced to commit.

Besides, international reports show that trafficking flourishes in such areas where economic instability and displacement due to calamities are high because of the high vulnerability rates.

CASE STUDY 3: NEW HUMAN TRAFFICKING CASES (2025-2026 INDIA).

The recent events in India demonstrate the functioning of the invisible crimes in the surrounding areas and ways in which they go unnoticed until they are intervened.

In March 2026, six children in one of the trains in the state of Uttar Pradesh in India were rescued after a human trafficking attempt. The underage were enticed by promises of jobs and were being ferried to the other states where they were to be subjected to labour exploitation. It took authorities action when suspicious movement was reported and during an inspection drive, the movement was detected and then people were arrested and more cases investigated in a broader network.

Equally, in 2025, police agencies discovered interstate trafficking rings that had minors being trafficked across the cities and forced into slavery. The victims said that they were transported using unofficial channels, and they were usually not documented and thus hard to trace.

These are merely symptomatic trends. Based on official data, it has been asserted that thousands of trafficking cases are registered every year, but scholars agree that the real figures are much higher since not all cases are reported and not all can be detected.

In such situations, the rescued victims would complain that they did not realize what was meant by exploitation until the time they were relocated. Most of them argue that first contacts appear to be good employment opportunities, and the issue of deception is a key factor in preserving invisibility.

INTERNATIONAL ISSUE: DOMESTIC VIOLENCE UNDERREPORTING.

Domestic violence continues to be among the most common but poorly reported crimes all over the world. Although this is legal across borders, the number of reporting is much lower (World Health Organisation, 2021; United Nations Office on Drugs and Crime, 2022).

Statistical patterns show that in certain areas, the number of cases reported increases, which is usually associated with the enhancement of awareness, the existence of effective reporting, and the reinforcement of institutional actions rather than the increase in the incidence (UN Women, 2020; World Bank, 2019). Nevertheless, it is commonly recognized by many experts that the information

provided in reports is merely a tip of the iceberg of crime since there are large dark figures of crimes that go unreported (United Nations Office on Drugs and Crime, 2018).

The evidence regarding the services provided by global helpline networks shows that a significant number of people are interested in receiving assistance anonymously and do not file a formal complaint (UN Women, 2021; National Domestic Violence Hotline, 2020). The most common motives of silence are the fear of retaliation and financial dependency, as well as the fear of social reputation (World Health Organisation, 2021; United Nations Population Fund, 2020).

COMPARATIVE ANALYSIS

A comparative analysis of the case studies in this paper indicates that even though the occurrence of an invisible crime may be in different socio-cultural and geographical settings, the underlying mechanisms that determine it are remarkably similar. All these processes work at the intersection of cultural norms, institutional constraints, and structural inequalities and create and maintain the conditions of invisibility.

The victims are physically isolated and psychologically manipulated so that their ability to report is restricted and their will to do so is restrained. Likewise, invisibility is maintained in the regular systems of mobility, including transportation networks, in the Indian trafficking cases under consideration, which indicates how crime may be hidden in the routine social systems.

However, as domestic violence cases depict, there is another, yet no less important aspect of invisibility. In this case, silence is not imposed externally but is a negotiated silence, which is determined by norms of the family, honour, and social stability. The non-reporting strategy that is actively adopted by victims as a means of coping with such pressures is an indication of the deep-rooted cultural influence.

In spite of such contextual differences, there is a general pattern; invisibility is not just an incidental phenomenon. It is systematically created in a manner of overlapping social, cultural, and institutional process. Such uniformity in cases is an indication that it is time to stop considering the various types of crimes as being context-dependent, but appreciating them as a structural effect that is experienced worldwide.

RECOMMENDATIONS

The problem of invisible crimes needs a multi-dimensional solution that incorporates a legal change, institutional change, and cultural change.

To start with, there is the need to develop victim-centric legal frameworks. The legal systems of the world need to move away with reactive model which only relies on formal complaints being made to being proactive in accepting the trend of harm even when no one has reported it. This consists of broadening the definitions of victimhood, lessening the burden of evidence in delicate cases, and making sure that the victims are treated with dignity and respect during the legal procedures.

Second, it is important to develop non-secretive and open reporting systems. Most victims do not report because of the fear of being retaliated or socially stigmatized or because of laws. Safer disclosure channels can be offered through anonymous reporting systems, community-based reporting systems, and online reporting systems. These processes must be made to favour safety and confidentiality of the victims.

Thirdly, there should be strengthening of institutional training and capacity building. To examine and examine non-obvious indications of victimisation and be sensitive to instances of an invisible crime, law enforcement agencies, judicial agencies, and social service providers need specialised training.

Lastly, there is the need to undertake cultural awareness and social change programs in order to deal with the underlying causes of silence. The harmful norms can be challenged through public education campaigns, community involvement, and advocacy efforts and public awareness that would help promote reporting. Such programs should be sensitive to culture and context specific to be effective. Combined, the measures will help to make the justice system more inclusive and responsive to the needs of the invisible victimhood.

CONCLUSION

In this paper, the concept of invisibility has been shown to be not simply an individual choice, but rather a condition that is created as a result of the interplay between culture, structural disparities as well as institutional constraints. Based on transnational trafficking networks to domestic violence, the analysis shows that silence is so much entrenched in the social and legal system.

The consequences of such invisibility are immense. When the crimes go unreported and unrecognised, victims are not given access to justice and the legal systems would act on incomplete understanding of the harm. The conceptualisation of crime and victimhood needs to be changed in order to deal

with the invisible crimes. To address the gap between the law and the lived reality, legal systems not only need to shift their approach to one that is more proactive and victim-centred, but also culturally informed, which is why the interdisciplinary approach should be applied to both legal and social and cultural perspectives. In such a way, it preconditions more holistic, more humane model of justice which can reach both palpable reality and more profound, less known aspects of human experience and create a more just, humane global community.

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