Name:Emmanuel faith

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1. There are broad justifications for the use of punishment. One perspective holds that when an individual harms society by violating one of its rules in some normatively unallowable way the scales of justice are out of balance, the sanction on the individual restores the balance. Under this perspective, the perpetrator deserves to be punished in proportion to the past harm he/ she committed the punishment is an end in itself and needs no further justification. This approach is typically referred to as a **just desert perspective or the proportionally principal.** In the late 18th century, Immanuel Kant (1952) argued that “punishment can never be administered merely as a means of promoting good for himself or civil society, but instead it must in all cases be imposed on him only on the ground that he has committed an offense.

(though there were some opposing factors to this)

It is suggested that of the four reasons (reform, deterrence, incapacitation, and retribution) given for punishment, only retribution can provide the basis for a theory of just punishment. The retributive approach holds that punishment is on the grounds that it is merited: punishment for defying a law guarantees compliance and restores the balance between the benefits and burdens of complying with the law that was upset by the criminal act. The principle of just deserts requires the punishment to be proportioned to the unreasonable advantage the offender has taken by lawbreaking. Though the retributive theory certainly includes elements deterrence, incapacitation and rehabilitations theory but it also ensures that the guilty will be punished if found guilty, the innocence protected and the societal balanced and restored after being disrupted by crimes and offenders. Retribution is thus the only appropriate moral justification for punishment.

1. What are capital offenses?

Capital offenses simply put are sentence of death, mostly for the commission of serious offenses, it is the supreme sacrifice paid by an offender, who has been adjudged guilty of a capital offense by a court of competent jurisdiction. Thus, the criminal code defines A capital offense is, therefore, an offense which, upon commission, attracts the penalty of death. The species of capitalized offenses in Nigeria include murder, armed robbery, treason, treachery, instigating invasion of Nigeria and trial by ordeal resulting in death. With the official adoption of the Shariah Penal Code by some Northern States in Nigeria, as from 27 January 2002, the pre-existing scope of capital offenses in Nigeria became widened to include certain sex related offenses, like adultery and sodomy.

As a criminology student I suggest that the must effective way(s) of punishing and treating capital offenses would be Deterrence and a little bit of incapacitation **my reasons are**( because Incapacitation prevents future crime by removing the defendant from society. Examples of incapacitation are incarceration, house arrest, or execution pursuant to the death penalty.) But I strongly believe that deterrence is should be more effective because Deterrence prevents future crime by frightening the defendant (capital offenders) or the public or someone who has a been planning to commit a capital offense, with that fair of deterrence which has been used in another person, that fear of the punishment will prevent them from committing the crime. Also The two types of deterrence are specific and general deterrence. Specific deterrence applies to an individual defendant. When the government punishes an individual defendant, he or she is theoretically less likely to commit another crime because of fear of another similar or worse punishment. General deterrence applies to the public at large. When the public learns of an individual defendant’s punishment, the public is theoretically less likely to commit a crime because of fear of the punishment the defendant experienced. When the public learns, for example, that an individual defendant was severely punished by a sentence of life in prison or the death penalty, this knowledge can inspire a deep fear of criminal prosecution. And another reason why I think deterrence is a better punishment for capital offenses is that harsher crimes need harsher punishment especially in cases of death so the community will know it’s not okay to kill.

2b. If the accused in the above had also committed a simple my judgment still stands because The criminal justice system in Nigeria commence with the commission of crime and continues with subsequent interventions by the law enforcement agencies and the system had the power to arrest, sentence and punish the offenders accordingly the criminal trial which usually involves the state vs society with the offender who committed or is alleged to have committed the crime.

Another definition of sentencing can be found in the case of Ichi vs state1999 where it is held that a sentence is the judgement by the court or upon an accused person after his conviction in a criminal prosecution imposing the punishment to be inflicted. Section 248 of the criminal procedure act provides that if the court finds the accused person guilty the court shall pass sentencing on the accused. The court shall sentence on the accused person, or make an order to reserve judgment and adjourn the case to some other date.

In Nigeria those who have been previously convicted convicted in criminal cases usually attract harsher sentences unlike first time offenders.

So as long as the offender has committed a capital together with simple offenses he’s sentencing haven’t changed but instead attracts more harsher punishment or death.