

NAME: ONORIOSE OGHENEFEJIRO

MATRIC NO: 17/LAW01/243

COURSE: CRIMINOLOGY

COURSE CODE: LPI 304

ASSIGNMENT TITLE: PUNISHMENT

1. WHAT MOTIVATES THE JUST DESERT PRINCIPLE OF PUNISHMENT?

DISCUSS

The 'just desert' principle is a principle that has the view that the punishment rendered onto the offender must fit the crime. It represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed. This principle is can also be called the Retributive principle. The motivation for the principle of Just Desert is the idea of retribution which says that the offender should be punished simply because he has committed a crime. History has painted this idea of retribution for the commission of a crime can best be explained in the Old Testament quote 'An eye for an eye, a tooth for a tooth'.

The Just Desert principle could also called the proportionality principle. This principle attempts to address the issue of how much punishment should be inflicted and it answers that the measure of punishment given must be equal in proportion to the seriousness of the crime and it should be no more no less. Under the principle, those who commit crimes deserve to be punished. Moreover, the severity of the punishment should be commensurate with the severity of the crime. In other words, as stated at the outset, the punishment should fit the crime.

In addition, according to just deserts, the punishment of the offender must be fairly and equally apportioned to all individuals who commit the same crimes. When the offender has been given a punishment that fits the crime, it is said that the offender has received their 'just deserts'. One popular justification for this principle is the rationale of the principle which says 'A person deserves the punishment proportionate to the moral wrong'.

In conclusion, under this principle, the punisher need not be concerned with future outcomes, only with providing punishment appropriate to the given harm. There are however some shortcomings of this principle as it failed to understand that the fact that a person has committed a crime does not always mean that the person has a criminal mind or that he is inclined to evil or immoral act. Circumstances may have an effect on your person such as poverty, age and state of mind. Another shortcoming is that there is no full proof method of determining those who are guilty, that is vengeful punishment may be directed at a person innocent.

2. AS A CRIMINOLOGY STUDENT, WHAT DO YOU THINK IS THE MOST EFFECTIVE WAY OF PUNISHING AND TREATING CAPITAL OFFENDERS?

As a criminology student, this writer is of the view that the most effective way of punishing and treating capital offenders, if properly structured out, is the method of imprisonment. Imprisonment can be defined as a term of judicial sentence available for a convicted offender of adult age involving incarceration in prison for either life or a specified period of time. Imprisonment must only be imposed when necessary and this sentence can run consecutively or concurrently. This aim of imprisonment is to punish offenders and can also be used as a form of reformation.

Imprisonment is not only to punish the offender but also to rehabilitate and reform them into being good and useful citizens to the society. The role of prison services could be divided into three; firstly, the prison is responsible for the safe custody of persons in prison. Secondly, it provides treatment to them and thirdly it seeks to rehabilitate them.

In the opinion of this writer, this way is more effective for punishing and treating the offender because of the rehabilitation and reformation the offender undergoes for him to be more acceptably fit into the society. This way is a form of punishment because offenders undergo a certain period of isolation and their freewill and mode of movement is restricted and controlled by the prison officials. In this period of isolation, the offenders usually engage in different programmes aimed at their rehabilitation and reformation. Inmates charged with longer terms of service for capital offence would be able to participate in these programmes which would reform them into better people.

These programmes include; **Welfare and counselling services**- these involve social workers and guardians that serve as a link between the inmates and outside world, **Skill Acquisition programme**- a programme aimed at equipping the inmates with skills so that they would have something to sustain them after their jail term is over, **Educational services**- to improve the educational training of the inmates, **Recreational services**- recreational facilities provided to reduce the pains of the imprisonment and to while away time, **Medical services**- to provide medical services for the inmates, **Chaplaincy services**- to enable the inmates to be rehabilitated spiritually, **After care services**- to do follow ups on the inmates who have served their terms.

These programmes aid the prison to be both a form of punishment and a form of rehabilitation to the inmates. It cultivates the inmate into becoming a better person for the society. However, the rehabilitation part of the prison becomes a problem when the proper facilities to aid and fund these programmes are not properly provided. To achieve the best results, these programmes must be available but are however expensive to achieve. When these facilities are not properly provided the aim of prison is therefore not achievable and leads to making the prison environment not conducive for reformation and the atmosphere of the prison overrun by hatred and bitterness.

3. WILL YOUR ANSWER BE THE SAME IF THE ACCUSED WAS CHARGED FOR A SIMPLE OFFENCE

Yes. The answer would remain the same if the accused was charged for a simple offence. Imprisonment would still be effective for punishing and treating offenders of simple offences as its aim is to rehabilitate these persons and avoid recidivism totally. The only difference between the offenders of simple offences and capital offenders would be the period of time spent in the prison. While most capital offenders would spend an average of ten years, enabling them to spend more time in the programmes, the offenders of simple offences would also participate in those programmes but theirs being for the short period of time they stay there.

REFERENCES

- Just Desert Model: Definitions & Theory. (2016, February 26). Retrieved from <https://study.com/academy/lesson/just-deserts-model-definition-theory.html>