NAME: ABRAKASA JEWEL K.

MATRIC NUMBER: 17/LAW01/006

COURSE: CRIMINOLOGY

ASSIGNMENTS: What motivates the “ just desert" premade of punishment? Discuss

1. As a criminology student ,what so you think is the most effective way of punishing and treating Capital offenders. Give reasons
2. Will your answer be the same if the accused was charged for a simple offence.

**Answers**

* 1. Under the retributive theory, there is a concept of “ just desert" also known as proportionality principle. This principle attempts to address the issue of how much punishment should be inflicted and it’s 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. The retributive theory, however has a number of short comings;
* The fact that the person has committed the crime does not always mean that the person has a criminal mind or he is inclined to evil or immoral acts. Circumstances may have an effect on the person such as poverty, age , state of mind.
* The victim may not be interested in revenge
* There is no gull proof method of determining those who are guilty, eventful punishment may be direct at the innocent.
  1. As a criminology student, I think the most effective way of punishing and treating Capital offenders is that of **Punishment,** this can be defined as the affliction of pain by the state of someone convicted of an offence. According to Parker, element of punishment include the following;
* It must involve pain or some other consequences normally considered unpleasant.
* It must be for an offence against legal rule
* It must be imposed on an actual offender for his offence
* It must be property administered by human beings other than the offenders.
* It must be imposed and administered by an authority constituted by a legal system against which the offence is committed punishment serves numerous social control functions but it is usually justified on the following principles ;

1. Retribution
2. Incapacitation
3. Deterrence
4. Rehabilitation
5. Restitution

My reason for this answer is that It involves capitalpunishment, sending an offender to prison, or possibly restricting their freedom in the community, to protect society and prevent that person from committing further crimes. Incarceration, as the primary mechanism for incapacitation, is also used as to try to deter future offending. Prisons have four major purposes. These purposes are retribution, incapacitation, deterrence and rehabilitation. Retribution means punishment for crimes against society. Depriving criminals of their freedom is a way of making them pay a debt to society for their crimes. Positive punishment is an attempt to influence behaviour by adding something unpleasant, while negative reinforcement is an attempt to influence behaviour by taking away something unpleasant. ... For example, spanking a child when he throws a tantrum is an example of positive punishment.

* 1. Yes, it will remain the same, Under Section 17 of the criminal Code 2004, forms of punishment include; Death, imprisonment, caning, fine and fore get use, other forms include deportation, probation and community service. Offences are punishable by death across the federation, offences punishable by death are murder, treason and armed robbery.

In other words, thus means that any offence committed by an accused person is to be sent to prison even if the accused person is a first time offender or a simple offence. It is only offences like murder, treason, armed robbery that face greater punishments than imprisonment example death penalties. There are two set of people that are exempted from death penalty;

* A pregnant woman cannot be sentenced to death according to *Section 368(2) of C.P.A.* instead she is sentenced to life imprisonment.
* Young person’s, People below the age of 17. Under *Section 368(3) of the Criminal Procedure Act.*