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**17/LAW01/225**

**CRIMINOLOGY**

**LPI 304**

**ASSIGNMENT:**

1. **What motivates the ‘just desert’ principle of punishment? Discuss.**
2. **A) as a criminology student, what do you think is the most effective way of punishing and treating capital offenders. Give reasons for your answer**

**B) is your answer be the same if the accused was charged for a simple offence?**

**Note: Maximum of 5 pages (font: times new Roman)**

**Answers:**

1. **WHAT ARE PUNISHMENTS?**

Punishment is the affliction of playing by the state or someone convicted of an offence.

According to Parker, Elements include:

1. It must involve painof some other consequence normally considered unpleasant.
2. It must be for an offence against legal rules.
3. It must be imposed on an actual offender for his offence.
4. It must be administered properly by humans other than offenders.
5. It must be imposed and administered by an authority constituted by a legal system against which offence is committed.

**The principles of punishment include**:

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

under the retributive theory there is a concept of ‘just Dessert’ also known as the proportionality principle. In the earlier times penal law allowed greater injury on an extended then that inflicted on written by himself. Later penologists called for more humane treatment of offenders around the order of Preachers were allowed by codes that advocated for the latin Maxim which meant an eye for an eye, or a suit for a suit. when an individual commit a crime he must be giving the exact punishment prescribed by law, which means there is no act of bargaining in retribution.

The aim of this principle was to attempt to address the issue of how much punishment should be inflicted, and its answer is that the measure of punishment given must be equal in proportion to the seriousness of the Crime and it shall be no more, no less. The retributive theory however has a number of shortcomings.

**These shortcomings include:**

1. The fact that a person has committed a crime does not necessarily mean that such person is a criminal mind or is inclined to a moral evil actions.
2. The victim may not be interested in Revenge.
3. There is no foolproof method of determining the guilty.
4. vengeful punishment maybe directed at the innocent.
5. **BASED ON OPINION, THE MOST EFFECTIVE WAY OF PUNISHING, OR TREATING CAPITAL OFFENDER.**

 In my opinion the most effective way of punishing and treating capital offenders is by rehabilitation because this is the most appealing justification of punishments the ultimate goal is to restore a convict to a constructive place through treatment education and training.

1. It may be used to prevent Crime by changing offenders personality
2. The enquiry is not into how dangerous the offender is poured into how receptive the treatment is

Rehabilitation should be a mandatory part of our criminal justice system because there are offenders in prison that should be given a second chance in their life. Not everyone who is found guilty of a crime should be locked away for life or even face the death penalty. Two wrongs do not make a right. Although offenders have committed crimes and disobeyed the law and should be punished, they should be given the opportunity to prove themselves to society.

And as for the others,

Whereas retribution is on the idea that a person whose conduct caused social harm should be responsible they consist of banishment sweeping flogging branding and so on. The shortcomings of retribution include

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Also, incapacitation which is the isolation of offenders which renders him incapable of committing crimes and reads the Society of committing evil. The idea is to prevent or reduce the possibility of future crimes by the convicted.

However, the crimes can be re-offended on release and that is the main drawback of incapacitation.

And Deterrence which is a means by which punishment are inflicted to prevent reoccurring and future crimes and the main aim is the punishment to prevent future crimes however some disadvantages include:

The certainty of being caught is a vastly more powerful deterrent than the punishment.

Sending an individual convicted of a crime to prison isn’t a very effective way to deter crime.

Increasing the severity of punishment does little to deter crime.

There is no proof that the death penalty deters criminals.

**2b) yes, my answer would be the same if the convicted was charged with a simple offence**