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QUESTION 1- What motivates the just desert principle? Discuss

Have you ever heard the saying ‘let the punishment fit the crime ‘? Well, this is the philosophy behind the just deserts model of justice . The phrase represents the idea of a fair and appropriate punishment related to the severity of the crime that was committed .

Just deserts is sometimes referred to as the ‘retribution’ type of sentencing .In other words ,one should be punished simply because one committed a crime .Throughout history , the 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’.

Under the just deserts 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 .

Just deserts is a theory which is designed to promote equality and fairness of sentencing for the imposition of a sentence.

The question as to what motivates the just deserts principle would now be taken into consideration. Now what motivates a person’s desire to punish actors who commit intentional , counter normative harms ? possible answers are a just deserts motive or a desire to incarcerate the actor so that he cannot be a further danger to society .Research participants in two experiments assigned punishments to actors whose offences were varied with respect to the moral seriousness of the offence and the likelihood that the perpetrator would commit similar future offences .Respondents increased the punishment as the seriousness of the offence increased ,but their sentences were not affected by variations in the likelihood of committing future offences ,suggesting that just deserts was the primary sentencing motive. Only in a case in which a brain tumour was identified as the cause of an actor’s violent action, a case that does not fit the standard prototype of a crime intentionally committed ,did respondents show a desire to incarcerate the actor in order to prevent future harms rather than assigning a just deserts based punishment .

In conclusion the question as to what motivates the just deserts principle is the issue of equality, fairness ,just and sound judgement .That is ,our judicial system shouldn’t punish an offender less or more than the offence he or she has committed the punishment must fit the crime.

QUESTION 2a:As a criminology student, what do you think is the most effective way of punishing and treating capital offenders. Give reason(s) for your answer .

According to one dictionary, a capital offense is any criminal charge which is punishable by the death penalty , called ‘capital’ since the defendant could lose his or her head.

Capital punishment also known as the death penalty ,execution of an offender sentenced to death after conviction by a court of law of a criminal offense.The term death penalty is sometimes used interchangeably with capital punishment, though imposition of the penalty is not always followed by execution [even when it is upheld on appeal ],because of the possibility of communication to life imprisonment .

The term capital offense is used to describe a crime that is so serious that the death penalty may be considered an adequate punishment. One of the most common examples of a capital offense would be murder .Treason , or the betrayal of one’s country is also considered a capital offense ,and it is punishable by death.

DEFINITION OF CAPITAL OFFENSE:A crime that is so severe that the death penalty is considered an appropriate form of punishment such as murder ,espionage or treason.

The most effective way of treating capital offenders is death penalty and my reasons are not far fetched .

First of all,if someone murders someone else ,they have given up their human rights, including the one to stay alive themselves.Naturally and legally we all have the right to stay alive except ones time on earth is over .But in a case where an individual kills another it is unlawful and a serious crime which the court frowns at and as it is stated down in the law whoever murders someone should also be killed too to make it a balanced equation. When an individual kills a person unlawfully, at that point the killer has automatically given up his right to life.

In addition, the punishment should fit the crime .t his is basically just like an eye for an eye and a tooth for a tooth .If you have killed someone you should also be killed as simple as that .You can’t kill someone and expect to live a free life.

Furthermore ,giving a killer a death sentence will stop others from committing crime.Since the punishment for capital punishment is death, people will be scared to commit murder due to the harshness of the punishment

Moreover it is justice not killing .Sometimes the people who do not support capital punishment ,they think death penalty is all about revenge in the name of law or justice .However it is very important for our society to teach criminals about the importance of life.

However there are two set of persons who are exempted to death sentence and they are :

1. A pregnant woman cannot be sentenced to death .section 368 of the CPA .instead she can be sentenced to life imprisonment .
2. Young persons : people below the age of 17 section 368[3] of the CPA.

QUESTION 2 [b]Will your answer be the same if the accused was charged for a simple offence?

NO! my answer wont be the same but before given reasons to why my answer would be different ,this writer would love to shade a little light on what simple offence is really.

Simple offence means any offence [indictable or not] punishable,on summary conviction before a magistrate court ,by fine , imprisonment ,or otherwise .

Simple offence can also be defined as an offense or act for which a person is liable by law ,upon a finding of guilt before a justice or justices , to be imprisoned or fined or both or to be otherwise punished but does not include an indictable offence which can only be heard and determined in a summary way as a minor indictable offence .

When it comes to simple offences . the punishment is not death example of simple offences includes : careless driving ,disorderly conduct ,blocking the highway and so on.

Punishment for simple offences are :

1. Fines : fines can be seen as a sum of money in which by the judgement of a competent court is required to be paid for the punishment of an offence .This is a pecuniary punishment .usually the amount to be paid is at the discretion of the court.
2. Verbal sanctions ,such as admonition ,reprimand and warning
3. House arrest
4. Probation and judicial supervison
5. Community service as in the case of Funke Akindele
6. Status penalties

# REFERENCES

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NO! my answer would be different but before given reason for that this writer would love to give a light on what simple offence is really.

Simple offense