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**COURSE TITLE: CRIMINOLOGY II**

**QUESTION**

1) What motivates the 'just desert' principle of punishment? Discuss

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

b) Will your answer be the same if the accused was charged for a simple offence?

**ANSWER**

1. Under the retributive theory, there is a concept of ‘just desert” principle also known as the proportionality principle. This 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.**

The philosophy 'let the punishment fit the crime' is the basic 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. The Just deserts model is often times 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. Just deserts, as a philosophy of punishment, argue that criminal sanctions should be commensurate with the seriousness of the offense.

The motivation behind this principle is the desire to ensure that the criminal gets a punishment that is within proportion to what he had done, in essence, the crime committed. This principle endeavors to provide a reasonable solution to the punishment scheme in the legal system.

1. By virtue of **SECTION 17 OF THE CRIMINAL CODE 2004,** different forms of punishment include death, imprisonment, caning, fining e.t.c. However for capital offences such as murder, treason, armed robbery is usually sentenced to life imprisonment or death penalty. As a criminology student, I think that the punishment which would be most effective in treating capital offenders will be imprisonment.

Imprisonment can be defined as a term of judicial sentence available for a convicted offender of adult age involving incasuration in prison for either a life time or a specified time. It could run consecutively or concurrently. The punishment of imprisonment can be found under the deterrence theory. The deterrence theory simply means that punishments are inflicted on offenders to prevent future crime or reoccurrence of such crimes. The supreme importance of this theory is that **Punishment prevents crime.**

Under this theory, thedeterrence could either be general, meaning that the punishment is made to be swift and severe enough for

1. People in the public to not want to commit such crime
2. Prevention of criminal acts in the general population at large to be gained by the innovation of punishment on persons convicted of crimes

The theory could also be special meaning punishment should be severe enough to make the offender not have the desire to commit crime. In special deterrence it tries hard to make the offender weigh the advantages and disadvantages of committing another crime when released due to the severity of punishment that follows after. Imprisonment as a deterrence theory helps in effectively treating and ensuring that the criminal is made to understand the severity of such crime.

In my own opinion as a criminology student, I feel that the deterrence theory of punishment along with the imprisonment mode of punishment would be the perfect way to punish and as well treat an offender.

1. In the case of a simple offence, the answer would definitely be different as simple offences are considered litter in nature by the law hence the name simple. The method here would be much lighter and calmly in order to drive home the idea to the offenders.

In a case of simple offence, the theory of rehabilitation would be more effective. The ultimate goal of rehabilitation is to restore a convicted offender to a constructive place in the society through some combination of treatment, education and training.