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**INTRODUCTION**

The term’s common usage complicates comprehension for outsiders and, even once its true meaning is established, it can be confusingly complex, and, at times, self-contradictory category of judicial philosophy. 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.

There are many situation in which people wish to punish another. When a person is unjustly harmed through assault or robbery, people usually experience a strong desire to punish the offender. From a psychological point of view, what is the source of the motivation, the justification of this behaviour? When people exact punishment on perpetrators for violating societal norms, what are they trying to achieve?

**JUST DESERTS THEORY**

The concept of *just desert* is one poorly understood outside the legal circles. It has its derivatives from the Latin maxim *noxiae poena par esto.*

*“The public should learn to be less critical of judgments handed down”*

Another thing too note is that the phrase ‘*just desert*’ comes from the 16th century. A clearer, modernized version would be that which is justly deserved. In that respect, the conventional wisdom interpretation of the phrase refers to a dessert, as in a treat, and, therefore refers to a just reward for a good deed. In fact, the term correctly applies to deeds both good and bad but, from the perspective of criminal justice discipline, it is most often applied with regard to negative behaviour. It is, after all, seldom the duty of the courts to reward those who have committed honourable or noble acts.

Just desert is a philosophy of justice whereby a criminal offence is viewed as lowering the victim or community’s status or power relative to the offender, which requires a degradation of the offender to redress the moral balance. However, just desert means to ensure that a punishment is both appropriate to a crime and that is

Consistent. Someone who steals a loaf certainly does not deserve life imprisonment. Neither does one convicted of wilful homicide necessarily deserve such sentence.

One key motivation of the introduction of the just desert principle is that the theory of *just deserts* is retrospective rather than prospective. The punisher need not to be concerned with the future outcomes, only with providing the punishment appropriate to the given harm. Although it is certainly preferable that the punishment serve a secondary function of inhibiting future harm doing, its justification lies in the righting of a wrong not in achieving some future benefits. The central precepts of *just desert theory* is that the punishment be proportionate to the harm.

There are several core components of an offense that determine moral outrage and the magnitude of punishment according to just desert theory. It is these factors, then that should trigger the motive to punish if people adhere to a just deserts theory of punishment.

Thus, it is my honest opinion that just desert is a necessary component of justice, if and when it is considered to be representative of the concept of punishment being a resultant effect of an offence having been committed.

**Number 2**

Firstly I, the writer will start briefly by explain the concepts “punishment” and “capital offender”

The concept ‘Punishment’, according to Wikipedia can be seen as the imposition of an undesirable or unpleasant outcome upon a group or individual, meted out by an authority as a response and deterrent to a particular action or behaviour that is deemed undesirable or unacceptable. There are four most common theories pf punishment: retribution, deterrence, rehabilitation and incapacitation. A capital offense is any criminal charge that is punishable by the death penalty.

The most effective way to punish capital offenders is through incapacitation. Incapacitation involves the sending of an offender to prison, or possibly restricting their freedom in the community, to protect society and prevent that person from committing further crimes. A life sentence will serve as the best way in prevent future offenses.

Some of the reasons why I believe that incapacitation is the most effective way of punishing capital offenders are

1. Right to live: Everyone has an inalienable human right to life, even those who commit murder; sentencing a person to death and executing them violates the that right.
2. Execution of the innocent: There can be events where the mistakes or flaws of the justice system leads to the execution of an innocent person. It is inevitable that an innocent person will be convicted of a crime. Where the capital punishment is used such mistakes cannot be put right. There is ample evidence that such mistakes are possible; in the USA, 130 people sentenced to death have been found innocent since 1973 and released from death row.
3. Failure to deter: The death penalty does not seem to deter people from committing serious violent crimes. The thing that deters is the likelihood of being caught and punished. Most convicted felons have the believe that the worst that could happen is the death penalty but that is just an easy way out for them. It will be best for them to live with the crimes that they have committed.
4. Applied unfairly: There has been much concern in Nigeria that flaws in the judicial system make capital punishment unfair.

2(c). My answer will not remain same (incapacitation), if the accused was charged with a simple offense, but the duration of the sentence still depends on the crime been committed. The punishment must be appropriate to the given offense. Also other penalties can be given to the convicted individual, such as fines, probation and community service.

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