



**AFE
BABALOLA
UNIVERSITY
ADO-EKITI (ABUAD)**

KM. 8.5, AFE BABALOLA WAY,
ADO-EKITI, EKITI STATE, NIGERIA.
P.M.B 5454 ADO-EKITI.

COLLEGE OF LAW

NAME: YUSUF OLUWADAMILOLA PEACE

COURSE TITLE: CRIMINOLOGY II

COURSE CODE: LPI 304

MATRIC NUMBER: 17/LAW01/297

ASSIGNMENT TITLE: PUNISHMENT THEORIES

LECTURER(S):

MISS VERA

BAR. SESAN FABAMISE

What is the “Just Desert” principle?

The phrase; "just deserts", is derived from the Latin maxim “*noxiae poena par esto*” which means ‘let the punishment fit the crime’. It can be seen as punishment for an act or omission which is rightly deserved it is also called the “**Proportionality principle**”. This theory is aimed at promoting the imposition of just and fair sentences and punishments. "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. Under just deserts, those who commit crimes deserve to be punished. Moreover, the severity of the punishment should be commensurate with the severity of the crime. As stated at the outset, the punishment should fit the crime. However, just desert means to ensure that a punishment is both appropriate to a crime and that it is consistent. Someone who steals a loaf certainly does not deserve life imprisonment. Neither does someone who broke a traffic rule deserve such punishment

Retribution is the most ancient method of dealing with offenders. It is retributive as revengeful in nature. This approach to punishment rests on the idea that a person whose conduct appears to have caused social harm should be held responsible. They usually consist of banishment, whipping, flogging, branding and various forms of torture or death. In earlier times, penal law allowed the infliction of greater injury on an offender than that which he inflicted on the victim. Later, penologists called for more humane treatment of offenders and then the older approaches were replaced by codes, codes that advocated for the Latin Maxim; "*lex talionis*" which means; *an eye for an eye and a tooth for a tooth*. When an individual commits a crime, he must be given the exact punishment prescribed by law, which means that there is no act of plea bargaining in retribution.

Under retribution, is the concept of "just desert" also known as the proportionality principle. This principle 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. An individual deserves the penalty he gets because of the crime he has committed. An individual who commits murder for example must face the death penalty, because there is no provision for him to bargain or to plead guilty for manslaughter for whatever reason. Likewise a person’s punishment must not be above what he deserves.

What motivates the just desert principle?

It is safe to say that the principle of just desert rest solely on revenge (vengeance) and justice for the victim and an ideology that it is only through punishment a criminal can expiate his sins. It treats all crimes as if they were financial transactions: X got something from Y, therefore Y must give something of equivalent value. In a nutshell, retribution theory presents crime as acts which deserve punishment; the theory does not have any aim for crime control, but focuses exclusively

on the past criminal behavior and punishment given solely to express condemnation of that behavior.

2(a). **What is a Capital Offence?**

A capital offence, which may also be referred to as felony, is the highest class of crime. The punishment is usually a capital punishment i.e. death penalty or imprisonment for life.. Therefore, a capital offender is a person found guilty of serious crimes. Capital offenders are first class offenders and are best punished by death because theirs is a grievous offence.

Death penalty or capital punishment, if one prefers a friendlier term, is the planned killing of an individual by a government or ruling entity in response to a crime. It is considered the just punishment for a person legally convicted of an action which is deemed a safety threat to society. Capital punishment, is also a government sanctioned practice whereby a person is put to death by the state as a punishment for a crime. The sentence ordering that someone be punished in such a manner is referred to as a death sentence, whereas the act of carrying out such a sentence is known as execution. A prisoner who has been sentenced to death and is awaiting execution is referred to as condemned, and is said to be on death row. Crimes that are punishable by death are known as capital crimes, capital offences or capital felonies, and vary depending on the jurisdiction, but commonly include serious offences such as murder, mass murder, aggravated cases of rape, child rape, child sexual abuse, terrorism, treason, espionage, sedition, offences against the State, such as attempting to overthrow government, etc.

In my opinion, the most effective way of punishing capital offenders is by death penalty. This is because it is safe and also cost effective. Many a times, we see first time offenders who have been imprisoned mingling with this hardened criminals and felons in prison and as a result, they leave prison worse than they came in. so it would be wiser to execute these capital offenders since they'll die anyway because I see no point in locking them away for a lifetime, waiting for the day they'll die naturally. On the other hand, keeping them alive would mean incurring more expenses such as feeding them, taking them for checkup whenever they are sick and so on.

There are various offences that are punishable by death across the federation. As earlier state, these offences include; murder (sec319cc), treason (sec 371cc), armed robbery (sec1 robbery and firearm special provisions act), Rape (sec.358cc), etc. Capital punishment is a legal penalty in Nigeria. Methods of execution include; hanging, firing squad, stoning, lethal injection, etc

Reasons why death penalty is an effective way of punishing capital offenders

- **The death penalty does not re-victimize the affected family-** once capital offenders are locked away and executed, there would be a feeling of peace and safety in the family of victims.

- **The application of capital punishment in just ways can limit prison over population issues**-we hear cases of prison over-population and inadequate funds to cater for prison inmates. Killing capital offenders eases incarceration centers, allowing for proper management of funds.
- **It assures the populace trust in the justice system**-the law already stipulates death penalty for certain crimes. People would lose faith in the justice system if they cannot uphold the law.
- **Most times a lesser sentence is disproportionate to the capital crime**- in a case of murder for instance; sentencing the accused to a temporary jail term would be seen as unjust.
- **It provides justice for the victim as well as keeping the populace safe**- there's this sense of justice and revenge the family of victims get knowing that the accused has paid for his crimes, especially when it is in the same way their relation was hurt.

2(b) NO, my answer will differ and this is because simple offences attracts lesser and more lenient punishment.

What is a simple offence?

Simple offences are those offences other than felony and misdemeanor. They are often punished with imprisonment of less than 6months. Examples of simple offences include; contempt of court, unlawful wearing or selling Army uniform etc. In the case of a simple offence, there's still a chance for amends, simple offenders could be fined, given community service, and during imprisonment, the offender will imbibe the culture of deterrence and get rehabilitated unlike capital offenders, who are already condemned by law.