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CRIMINOLOGY ASSIGNMENT

QUESTION 1

Firstly the word “just” means behaving according to what is morally right or fair. Furthermore, “ Desert” is a word derived from the past participle of the old French verb *deserver,* which means to deserve{either reward or punishment}. However desert in the context of criminology generally signifies a deserved punishment for the defendant’s crime

The “just desert principle” is a principle in the retribution theory of punishment which generally mean “Proportionality Principle” which states that punishment given should be equal to the crime committed. The idea of the retribution theory is of the view that a person should be held responsible for the crime committed this usually consist of forms of punishment like banishment, whipping etc. However penologist called for a more humane treatment for offender and the older approach was replaced by codes that advocated Latin maxims e.g “ Lex telionis” an eye for an eye .

So what exactly is the just dessert principle? In just deserts, those who commit crimes deserve to be punished. Moreover, the severity of the punishment should be equal to the severity of the crime. In other words, as stated earlier the punishment should fit the crime.

In a general sense, justice can be understood to consist in persons getting what is appropriate or fitting for them.  This idea of justice can be traced back to ancient times. However some scholars made their comment on the just deserts principle. Plato discussed justice in general and distributive justice in particular, as involving a type of appropriateness or fittingness of treatment.  According to some translations of Laws, Plato suggested that justice involves treating people as they deserve to be treated. Although there are many important differences between their theories, Aristotle joined Plato by arguing that justice involves a type of equality.  In Nicomachean Ethics, Aristotle maintained that distributive justice involves judging people according to certain criteria in order to determine whether they are equal or unequal.  Aristotle argued that, in distributions, it is just for equals to receive equal shares, unjust for equals to receive unequal shares, and unjust for those who are unequal to receive equal shares.  He maintained that what each person receives should be geometrically proportional to the degree or extent to which his or her actions fit or match these criteria.  People are judged based on normative concepts such as desert, merit, and entitlement to determine whether they are equal or unequal.  Consider a distributive context in which two people are to be treated based on what each deserves.  According to the idea of geometrical proportionality, if one person is twice as deserving as the other, then she ought to receive twice the share of what is to be distributed. According to the classical tradition, desert is one of the conceptual components of justice.  But it is not understood as being the only conceptual component of justice. In Utilitarianism, Mill claimed that it is considered just when a person gets whatever good or evil he deserves and unjust when he receives a good or suffers an evil that he does not deserve.

In conclusion the just desert principle is of the view that punishment of the offender must be fairly and equally apportioned to all individuals who commit the same crime. This can sometimes be a controversial area of the theory, as the circumstances surrounding the commission of crimes vary.

QUESTION 2

Firstly, punishment is the affliction of pain by the state on someone convicted of an offence. According to Parker B,

* It must involve pain or something unpleasant
* It must be an offence against the law
* It must be imposed on an actual offender for his offence
* It must be properly administered

Some principles of punishment include

* Retribution
* Incapacitation
* Deterrence
* Rehabilitation
* Restitution

Under section 17 of the criminal code some forms of punishment include

* Death penalty ; offences under this include treason {section 37 of the criminal code},murder {section 319 of the criminal code },robbery{section 1 of the robbery and firearms special provision act}. Modes of execution include lethal injection, by hanging, electrocution, firing squad. In law with every rule there is an exception , a pregnant woman cannot be sentenced to death but life imprisonment and also a young person cannot be sentenced to death.
* Imprisonment; this is a term of judicial sentence available for a convicted offender of adult age which involves imprisonment for life or a specified period of time.
* Fine payment: A fine is a punishment in which a person is ordered to pay a sum of money because they have done something illegal or broken a rule. A fine should be appropriate not only to the offence but also to the means of the offender
* Probation : this is the supervision of an offender instead of serving time in prison

Furthermore capital offence is an offence for which the punishment is life imprisonment or death. Capital offences in Nigeria include crimes like murder, treason, armed robbery etc. A capital offender is a person who has committed a capital offence.

As a criminology student i think the most effective way of punishing and treating capital offenders is an imprisonment term for a long period of time or life imprisonment especially as opposed to death penalty. There are many reasons. First and foremost, the death penalty once carried out, cannot be undone and there is no recompense. Life imprisonment or an imprisonment term allows for a person later found innocent to be released, and it is guaranteed that innocent people have been executed in Nigeria today. Also imprisonment is thought to be a more humane and less cruel sentence than the death penalty. Imprisonment still offers a person a chance to enjoy parts of their life, by still being able to keep it touch with their families.

Imprisonment have four major purpose. These purposes are retribution, incapacitation, deterrence and rehabilitation. Retribution means punishment of crimes against the society. Depriving criminals of their freedom is a better way of making them pay a debt to society for their crimes. Incapacitation refers to the removal of criminals from the society so that they can no longer harm innocent people . Deterrence is basically prevention of future crimes. It is hoped that prisons provide warnings to people thinking about committing crime, and that the possibility of going to prison will discourage people from breaking the law. Also the idea is that convicted offenders will not repeat the crime because the punishment taught him the consequences of offending (specific deterrence). It also serves to caution others against committing similar crime when they see the degree of punishment a convicted person gets (general deterrence). Rehabilitation refers to activities designed to change criminals into law abiding citizens, and may include providing educational courses in prison, teaching job skills and offering counselling.

In conclusion with my reasons given i am of the opinion that imprisonment is a better form of punishment and better way of treating capital offenders.

B) firstly, simple offence are those offences punished on summary conviction, they are minor, or not so serious crimes. In short all offences other than felonies or misdemeanours are simple offences. My answer would be different if the offender was charged with a simple offence because it is well known the maximum sentence for a simple offence is six month imprisonment so a person charged with a simple offence will not be given a long term or life imprisonment unlike capital offenders. For simple offences punishment, there should be no justification for punishment to be severe. Other stiff sentences are not effective in achieving the aim of making simple offender become a better person in the society because it is expected that a person that commits simple offence the punishment is expected to be rational. This is desirable and the aim is to correct, rebuild and reform.

In conclusion the court should also adopt other non institutional method of treatment such as community service, fine , probation etc in the treatment of those charged with a simple offence as it corrects, redeems, rehabilitate, regenerate and restore offenders to the status of a law abiding citizen.

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