

Criminal sentencing

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Running Head: Criminal Sentencing Criminal Sentencing Inserts His/her

Introduction The concept of punishment is not new in our world. When human beings organized themselves in societies it was important to maintain some sort of order in the society. In order to achieve this, laws were made and enforced so that societies can function in an efficient manner. Social order, and its enforcement, is important for the survival of any society because this is the only way through which collective interest of the society can be preserved. Preservation of collective interest also calls for punishing those who defy this social order. In this essay we will talk about criminal sentencing and its purpose in a society. The concepts of deterrence, incapacitation, retribution and rehabilitation will be discussed. Purposes of Criminal Sentencing Criminal sentencing is any punishment given for an activity that is considered inappropriate by law in any society. Criminal sentencing is very important because it forces people to ‘ behave’ in a manner that is acceptable to the society. Crimes should not go unpunished because it will allow others to defy the social order and destroy semblance of any society. Below are a few reasons why criminal sentencing is important.

Incapacitation Incapacitation literally means to deprive or strength or disable a person. In the context of criminal sentencing, incapacitation means to deprive a criminal from the right to hurt someone else in the society. It is a purpose of criminal sentencing to protect members of the society from the wrongdoings of a criminal. Incapacitation protects people of the society from harm of habitual criminals. There are people who commit crimes as a habit and they do not have any rational justification for it. They fail to find a way, other than crime, to fulfill their needs. Such criminals ought to be stopped from taking part in the society because they are a danger for everyone. Fear

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of punishment also does not stop them from committing criminal activities so the only way to stop these criminals is to put them away in prisons. Criminal sentencing actually protects society from offenders by keeping them away from the society so that they cannot harm others. Research on incapacitation suggests that increase in arrests rates for a particular crime decreases overall crime rate for all crimes (Levitt, S. 2007). Deterrence It is also important for a society to instill fear in the minds of people regarding disobedience towards law and order. All members of the society must fear from committing any crime and this fear can only be established through criminal sentencing. Criminal sentencing actually prevents people from thinking of going towards criminal activities. Therefore deterrence is an important purpose of criminal sentencing. Criminals should be sentenced for their crimes because it will be an example for the rest of the people in the society. Fear of punishment can stop crimes for happening because people will be afraid that they will also be punishment for their criminal activities. This can deter people from committing criminal activities. Criminal sentencing therefore achieves this importance purpose and helps in stopping crimes. Retribution The concept of retribution is also an important purpose of criminal sentencing. No society can function in a proper manner unless a justice system is in place. People should feel that justice is done with criminals and only then the balance of the society can be maintained. A criminal actually hurts a member or a group of members of the society and if that criminal is not punished then it can give rise to hatred and dissatisfaction in the society. This can in turn result in crimes by the aggrieved party in order to get retribution. Criminal sentencing therefore provides retribution to the aggrieved party and maintains the semblance of

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the whole society. Rehabilitation Rehabilitation was introduced in the model of criminal sentencing in the later part of 19th century (Klein, S. 2005). It is not only important to lock the criminals in jails. Correctional facilities should also be given to the criminals in order to stop them from committing crimes in future, rehabilitation therefore in an important purpose of criminal sentencing. Criminals should be treated in a better way so that they can also become better members of the society in future. Criminal sentencing provides rehabilitation because criminal is locked up alone so he or she has more time to think about things so they can be forced to take part in rehabilitation process. Conclusion The main purposes of criminal sentencing are retribution, rehabilitation, deterrence and incapacitation . Criminal sentencing is an important concept because it restricts criminals from hurting more people and creates fear in the minds of people regarding criminal activities. All these purposes attempt to restrict criminal activities in the long run. Criminals cannot be left alone simply because it will not be just on the part of aggrieved party. It is also important that criminals are rehabilitated so that they can quit crime in future. References Klein, S. (2005). The Return of Federal Judicial Discretion in Criminal Sentencing, *Hein Online*, vol. 39 pp. 693 Levitt, S. (2007). Why do increased arrest rates appear to reduce crimes: Deterrence, Incapacitation, or measurement error? *Economic Inquiry*, 36(3) pp. 353-372