

# Why do we as a society need a criminal justice system

[Law](#), [Criminal Justice](#)



Why do we (as a society) need a criminal justice system? Introduction As a society there is need for a criminal justice system, as it is essential to have laws throughout the population. We have these laws so people cannot use money or power to benefit themselves. The laws also establish that each person should understand their and everyone else's rights and obligations within the community. The criminal justice system, is a system of laws and rulings which protect community members and their property. Therefore, the laws determine which acts are criminal and how the offender is punished.

(Sallmann, P. and Wills, J. 1984 Criminal Justice in Australia, Oxford University Press, Melbourne. ) The criminal justice system in Australia formed centuries ago, with new forms of punishments added along the way. From then till now Australian judges have interpreted, applied and developed these laws, the Australian parliaments have also added to them through legislation.

(Sallmann, P. and Wills, J. 1984 Criminal Justice in Australia, Oxford University Press, Melbourne. ) Why we need a criminal justice system There are three main divisions in criminal justice system, which exists of Police, Courts, and Corrections.

Firstly, Police have the responsibility to investigate and apprehend criminals. Secondly, Courts are responsible for fair trial and sentencing. Thirdly, Corrections are responsible for imprisonment and supervision. The main purpose of this system is to manage public safety. In Australia we have nine legal systems, comprising eight State or Territory systems and one federal system. Most of the administration of courts, the legal profession and legislation occurs in the States and Territories. Therefore, each State and Territory is responsible to carry out the laws and rulings for the criminal

justice system. Attorney-General's Department (AGD) 1995, The Justice Statement, AGD, Canberra. ) The criminal justice system's goals are to ensure that legislation and the law is upheld at all times. For example, protecting the innocent, punishing the guilty, preserving order and peace and protecting victims from further anguish. Another goal the criminal justice system seems to be focusing on is education for the public regarding crime and rehabilitation of offenders. This method is achieved by deterring offenders or preventing crimes from spreading. Therefore, the goals of the criminal justice system are to balance criminal activity and crime prevention. There is an abundance of people, who think the criminal justice system is not really a system, and that it has always been flawed. It fails to deliver true justice and is expensive and incompetent in determining cases. On the other hand there are many people who firmly defend the system against such criticism, viewing it as only needing little change. As always, the truth lies somewhere in between the two arguments. The criminal justice system is subject to continual criticism. Many of its qualities, such as the wearing of gowns and wigs, are seen to imitate a system which is outdated, hiding in old traditions and procedures and out of touch with the society of today. As a society we need to understand that the police alone can't overcome all crimes therefore, it can't deal with every criminal. The criminal justice system introduced community based programs and institutions to help build safer communities. Examples of these programs and institutions are, Neighbourhood Watch and Community Corrections. Firstly, Neighbourhood Watch is a community based program, which aims to minimise crime within the community. This program requires both the community and the police

working together to accomplish his goal. (Neighbourhood Watch, <http://www.nhw.com.au/Home>) Secondly, Community Corrections is an institution which manages and supervises offenders on community based supervision orders such as Probation, Parole, Home Detention, Community Work and Bail. This institution requires the community, Courts and the Parole Board to all work together, to achieve the optimum result. (Community Corrections [http://www.nt.gov.au/justice/corrservices/community\\_corrections/index.shtml](http://www.nt.gov.au/justice/corrservices/community_corrections/index.shtml)) The criminal justice system is a complex social tree, the branches of this tree combine social and economic causes.

It is often these other causes that determine the crimes committed and the response of the criminal justice system. These creators of crime can be sorted into two main groups: environmental risk factors and individual risk factors. Environmental risk factors include the physical, social, family, community, economic, cultural and political environments in which an individual lives. For example, higher rates of unemployment can have an impact on levels of crime, which in turn will affect all sectors of the criminal justice system. Individual risk factors include mental and physical health status, demographic and socioeconomic characteristics, attitudes and beliefs, and lifestyles and behaviour. These individual risk factors must also be considered when looking at the broader context of the criminal justice systems. (The National Criminal Justice Statistical Framework, Jul 2001. ) Various researches have addressed different outlooks to explain why some people have a criminal tendency. Examples of these outlooks are by Cesare Lombroso and Sigmund Freud. Firstly, Lombroso

states that criminals have stigmata, and that these stigmata consist of abnormal dimensions of the skull and jaw.

Lombroso even claimed that different criminals have different physical characteristics which he could discern. (Cesare Lombroso. (2009). Secondly, Sigmund Freud hypothesized that the most common element that contributed to criminal behaviour was faulty identification by a child with her or his parents. The improperly socialized child may develop a personality disturbance that causes her or him to direct antisocial impulses inward or outward. The child who directs them outward becomes a criminal, and the child that directs them inward becomes a neurotic. (Sigmund Freud (1961). Conclusion

For a society to work it needs to have a level of structure, that is applied and understood by everyone. Laws within the criminal justice system create that structure and regulate the way in which people and organisations behave. If we did not have a criminal justice system, there would be a lot of chaos, within the systems of management and crime control. Therefore, if there is no threat for punishment, the level of crime within the society could be quite high. The major goals in criminal justice tend to be creating a helping hand in reducing crime, through bringing major offences to justice, or raising the communities confidence.

Along with others the justice system works towards preventing crime or helping offenders turn away from committing a crime. (Goldsmith, Israel and Daly 2006) Therefore, the criminal justice system is to create balance

throughout society. We as a society need this system, to protect people within our communities from crime and preventing crime. Is the system fair? No. But the criminal justice system can only be as fair as human beings are capable of making it. References 1. Sallmann, P. and Wills, J. 1984 Criminal Justice in Australia, Oxford University Press, Melbourne. 2.

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