

Policy implications of criminological theories essay



**ASSIGN
BUSTER**

The Philosophical Theory of Criminal law may be divided into two; the analytical and the normative. To discern the proper scope of criminal offense, criminal law should address which is wrong. Criminal law should treat public wrongs and not private offenses. Normally, theories of criminal law is treated in general and is applied to a particular case depending on; natural law, economic analysis of law, Legal dissertations and other venue of legal thoughts. How do you define criminal law? Why is it differing from other kinds of law?

The criminal law pertains to crimes committed. But what is a crime? Crimes, can be concluded as, conduct which is morally wrong or malicious acts as defined by the law as fallible. Some authors provide their own definition of crime as, “ acts of force or fraud undertaken in pursuit of self interest” (Hirschi. , 1998). What does an action becomes a crime? Husak the author of Philosophy of Criminal Law stressed that to arrived at the true meaning of the term; the action must be emptied of its substance (see Husak 1987: ch.).

Next, it is better to delay the thought that the action is already wrong: a further question is necessary whether the offense must dealt with criminal law or the very nature offense is a crime because not all legally defined aggressions are criminally wrong or the action is cupabale. (Husak, 1987). The concept of what it is to be explains that criminal law is based on analytical theory, and accept concepts such as – what is obvious of the crime committed. , but of its real, metaphysical content. Moore 1997: 18-30.

This second theory seek not just on dissecting when is an action becomes criminally culpable but when and what is ought to be. In the two discussions above we could ask whether it is necessary still to maintain a system of criminal law. If yes, what vision should it serve, and how should it be informed. The analytical and normative theories are close related and sometimes work together in determining the criminality of an offense. However, a legalist insists on what law ought to be and what it is as understood by the existing norms.

As Moore said, “ A Natural law theorist will argue that an adequate analysis of the concept or the metaphysical nature of criminal law will reveal the moral purposes or values that a practice must serve (or at least claim to serve) if it is to count as a system of criminal law at all. Crimes, as we have been saying, are conducts or actions that are defined by the law as wrong. Even then, this rough approximation or impression must be first qualified.

To know if a conduct or an illicit act is a crime it has to always have a substantial content to the point that we have to empty the cause or reason. see Husak 1987: ch. 4); or to seek further questionings about the conduct because not all morally wrong: “ are all legally defined as criminal wrongs (Markus D. Dubber, 2005). ” Civil aggressions are most of the time looked upon as ‘ private’ cases because it is for the victim to relate what had transpired or how the situation occurred. It is the respondent who identify the alleged criminal or the defendant in order to bring a case against the one culpable of the act. The government provides the institution where the case will be heard in public courts facing its arbitration group.

Through this government legal institutions the case can be brought; it provides the specific norms by which which the case is to heard and decided; it makes possible counter claims available to solve the matter and it also help successful plaintiffs to extract damages from the wrong doer or the defendants. Because civil cases are private in nature, it is the injured party who brings the case to a court. It is more the liability of the private party to pursue or the case or to abandon it; or to insist in asking for the damages the court has awarded to.

Most of the time plaintiffs have to forgo. Despite that civil cases is also proportionate to damages incurred in some criminal cases, it lowers the retribution of the law. And for some reason practice on some theories on justification eliminates some kind of culpability, and treated as such just an accident or as an act of negligence. Again in civil offense, the above must might be an important requirement, in order that the plaintiff could prove that the defendant was at least innocent in his actions based on the aggressions he had caused.

However, in such case damages may not or most of the times are not proportioned to the degree of the defendant's culpability. " The punishments imposed for crimes differ from the damages that are awarded as a result of a civil suit". Therefore, it is stated that crimes for punishment differ from the damages given as a result of a civil case. It is not based on the fact that successful plaintiff can also give up the damages based on apology. (Husak D. 1997). "

Criminal law relegates and enforces our constitutional standards of moral values in the light of natural law. It defines how we should live and acts as an arm which enforces us to obey and disobey. It also gave the demands on how to be penalized or not to be. Most often citizens find themselves in trouble or in conflict with another, criminal law determines what kind of conflicts are these and to whom they belong. Since criminal law deals in punishment – it is also what we call ‘ pain delivery’.

When what is really needed is a process that will repair whatever harm was caused, by reconciling the people involved in the conflict, which could restore the relationships by repairing damage incurred (M Dubber 2005). ” At large a criminal punishment cannot contribute to what we call proper appropriate ends: It subjects itself to cure evil with another evil which reflects a primitive, backward-looking ideology in a cloak of “ retributive” justices. Whereas, an intelligent civilized society ought to be seeking for a forward-looking restorative or reparative interpretation of justice.

We need a law which is based on preventive aggressions to the law. Rational Choice Theory and the Policy of Reconciliation The above theory is a method of decision making using experiential evidence in order to arrive at a certain choice or modification while rationalizing the decision made. This method is a scientific review of different options or analyzing and valuing various risks on the judgments. However, in the option of policy for reconciliation this statement did not became effective specifically in terrorism act of mass destruction.

On the public policy involving the Iraq war, containment and overthrowing the Iraqis still was proven to be the best option. Trait theories and the public policy in choosing a leader The pattern for which a society chooses its leader is based on the level of the favorable traits of its candidates. A strong leader has the qualification of being morally upright, compassionate and empathetic. In the case of 2004 election the republican candidate showed the high percentage in living the virtue of who is to be the next President of the United States of America.

Social structure theories and the Policy of Juvenile Delinquency It clearly states here that crime can be caused by frustration and anomie or a loss of virtue due to some social structure which was not met. For instance poverty – although poverty is not an evil in itself but greed. Public policy on Juvenile delinquency is stated above in this paper. Developmental theories and the policy of structuralism and discontent Regarded as a critical tool of economic development is socio-economic engineering or effective demand management.

Private investment and distorted prices which made developing economies extraordinarily inefficient is the caused of the emergence of large bureaucracies and imposition of state regulations. In our point of view, the result is unbalanced growth of social development as a whole notably education, health, fertility, and others. Industrialization in this manner if it will come at the cost of social development will never help anybody. The First World is always dependent on Third World countries from raw materials thus making the role of the third world in the dependency of world economy.