

Legal studies

Business



Through the use of a range of contemporary examples, students investigate criminal law, processes and institutions and the tension between community interests and individual rights and freedoms. Themes and challenges to be incorporated throughout this topic:

- the role of discretion in the criminal justice system
- issues of compliance and non-compliance in regard to criminal law
- the extent to which law reflects moral and ethical standards
- the role of law reform in the criminal justice system the extent to which the law balances the rights of victims, offenders and society
- the effectiveness of legal and non-legal measures in achieving justice.

Students learn about: 1.

1. 0 The nature of crime 1.

1. 1 the meaning of crime First of (any act or omission of duty resulting in harm to society that is punishable by the state. it seems quite clear but there is no clear definition of what those acts or omissions of duty are. This is due to which someone behaves in way that society at that point and time may become legal, or have been legal, at another.

Most crimes are created by two judgements they are morals and ethics.

however this is not always the case. quicky example a person has first aid another person gets run over by car that first person refuses to help, and in australia they are not required to help assistance , but society on the other hand would judge that at ethnically wrong no the right thing to do. One feature of criminal law is the belief that all of society is the vitcim, this criminal acts against society attack the standards and expectations that society generally upholds, so the society is then responsible to punish the accused.

But it is for this reason that most criminal law cases are brought by the state, acting on behalf of society rather than the actual victim. 1. 1.

2 the elements of crime: actus reus, mens rea In order to be found guilty of a criminal act two things must be proved: - a person committed the crime -a person intended to commit a crime -mens rea: is a intention to commit a crime, the guilty mind -actus rea: this is a criminal act being physically performed, -causation: if a criminal act took place, there must be a link between the act and the harm caused by it. his basically is a cause of a crime or what chain of events to have caused this crime. 1. 1. 3 strict liability offences -strict liability offence is an offence that requires actus reus and no mens rea, and applies to traffic offences for example if a person is under the influence of drugs wether he intended or not he has no choice or has a reason the police officer will not ask why, therefore the person committed a strict liability offence

Involuntary manslaughter (this occurs when there is death) is when the accused did not have the mental intent to cause death, (An example is when you accidentally run someone over after they jump out onto traffic) 2.

Voluntary manslaughter is when the accused opposite did intend to cause death but mitigating circumstances exist. such circumstances are being provoked or suffering impairment of the mind. (An Example of this is you shoot an intruder) – Infanticide: The crime of a mother killing her child within the year its life. Also take account the mental state of the mother when the homicide occurs.