

The different parts of our legal system



The Different Parts Of Our Legal System Sabra D. Pope CRJ 201: Introduction to Criminal Justice Professor Celeste Johnston November 07, 2011 The reasons for criminal laws are to protect innocent people and to serve the public good.

There are two key purposes for criminal laws. The first reason is to communicate public morality which is when a society chooses the laws which decides right or wrong for a community. The second reason for criminal laws is to teach societal limits.

Teaching these limits is when a criminal is punished to be taught a lesson but also shows the community what to expect if anyone does commit a crime against that community's laws. There are many parts to the legal system and its laws are intended to standardize the way that people act within our society but comprehending the reason for diverseness of the law can often be bewildering. Within the vast array of laws are criminal laws which define criminal offenses. Kinscherff (2010) states in his article ??? A criminal offense requires two elements. First it requires proof of misconduct that is specifically prohibited by law.

Second, it requires proof of sufficient intention or recklessness to warrant assignment of moral culpability for the act.??? When dealing with criminal laws some of the reasoning behind these statutes is to maintain public order, deter criminal behavior, and punish offenders. Depending on the type of offense committed criminal law will mostly direct what type of sentence the person responsible for the offense will receive. If society did not have laws then criminals would face no consequences for their actions and society would fall into chaos. Most of us take for granted the protection of public

order and do not fully understand just what public order means. Public order is necessary and is a requirement considered to keep criminal and political violence at a minimum.

The laws that protect public order are meant to not only keep violence from one individual on another from happening but also other criminal acts from occurring with frequency. In order to maintain public order criminals are tracked, arrested and detained so that the general population feels better about the conditions in which they live. When there is no protection of the public order then society is thrown into chaos and can become extremely destabilized. If this occurs there can be a constant fear among a society's citizens and these citizens will never be able to gain any confidence that their government can or will take care of them. If citizens have no confidence in their government to take care of them or that there is no public security organization they will look to other means of security from individuals such as militias. After the protection of public order comes the step of deterrence and it can be defined as behavior that is socially unacceptable and is avoided because of a fear of punishment. The idea is that a person who may be thinking about committing a crime does not do it because they fear the consequences of possibly be imprisoned or otherwise punished. The basic idea is to deter crime by instilling fear through consequence.

Vrettos, J. (2010) states in his article, "The Deterrence Effect of Punishment".

people are most likely to obey the law when they're subject to punishments perceived as legitimate, fair, and consistent. This fear may also come from the fact that a person has previously committed an offense

and had been punished for it. The offender might also feel the moral condemnation communicated through the eyes of society might have an impact on a person's understanding of the wrong that was committed. For a legislator who is enacting laws the concept of moral inhibitions is of more value than just the idea of deterring certain behaviors. Moral inhibitions may work even when a person does not have to fear being punished. The moral effect of criminal law comes from the perception of a society's legal system being legitimate, founded in the purpose of the principles of integrity and equality, and are seen as more essential than the harshness of a sentence. But, when a person so wrongs society's ideas of rightness punishment becomes a necessary action. When a crime is committed against any part of society then punishment is a solution to the injuries of that crime.

Punishment can come in the form of a fine, restitution to the victim, imprisonment, and even death. There is a great deal of time spent by a society's legislative and judicial bodies to decide what is the appropriate sentence for each crime committed. Haist (2009) states in his article, "Punishing what society deems wrong or unwise seems to be an integral part of any civilization." A never ending battle ensues in criminal law for a balance between what is considered too much or too little punishment. When a person is punished too severely for a crime committed this can actually cause more harm than the crime committed.

On the other hand when the law is too tolerant on a criminal it weakens the law's ability and erodes its very principle. Understanding the principle and function of punishment in conjunction with society's goal is

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imperative to a society's general order. The intentions for criminal laws are to safeguard innocent people and to serve the public good. There are two strategic goals for criminal laws and the first being to communicate public morality and the second to teach societal limits. Communicating public morality is when society chooses the laws which decide right or wrong for a community. Criminal laws also teach social limits.

The teaching of these limits is when a criminal is punished to be taught a lesson but it also shows the community what to expect if an individual does break the laws of a community. References Haist, M. (2009).

Deterrence In A Sea Of Just Deserts: Are Utilitarian Goals Achievable In A World of Limiting retributivism? Journal of Criminal Law & Criminology. Vol. 99, Iss. 3, pg. 789 – 821. Kinscherff, R.

(2010). Proposition A Personality Disorder May Nullify Responsibility For A Criminal Act. Journal of Law Medicine & Ethics. 2010 Winter, Iss. 38, pg 745 – 759. Vrettos, J. S.

(2010). Does It Really Work Tikkun. Vol. 25, Iss. 3, pg.

31 – 76.