



Criminal Law LAW1110
Semester 1 2021-22

NATURE AND FUNCTIONS OF THE CRIMINAL LAW

The criminal law in its basic sense is based upon:

- a) a body of rules;
- b) identification of the ingredients within;
- c) specification of the punishment as a result of a breach of those rules.

Its function can be shown in three distinct areas which make up their respective areas of criminological theory.

1. to define and identify the sorts of conduct which should be criminalised;
2. to reduce crime by enforcement and punishment;
3. to identify who should/should not be punished and what level of punishment should be applied

To define and identify the sorts of conduct which should be criminalised;

The definition of what criminal activity is tough. On the surface, to ask "what is a crime?" seems to warrant a straightforward answer in that one can simply suggest that "crime is something that is against the law." However this does not aid our understanding to any significant amount. We need to assess the purpose of the criminal law. Padfield outlines the following ideas:

- to enforce moral values;
- to punish those who deserve punishment;
- to protect the public from harm;
- to reform the offender;
- to deter offenders and potential offenders;
- to educate people about appropriate conduct and behavior;
- to preserve order;
- to protect those who are vulnerable from exploitation and corruption;

The British parliament however went further and incorporated in statute:

Criminal Justice Act 2003:

- (1) Any court dealing with an offender in respect of his offence must have regard to the following purposes of sentencing:
 - a. The punishment of offenders,
 - b. The reduction of crime (including by deterrence),
 - c. The reform and rehabilitation of offenders,
 - d. The protection of the public, and
 - e. The making of reparation by offenders to persons affected by their offences.

In order therefore to apply the purposes of criminal law, the concept of criminalisation needs to be reviewed.

Nature Of Criminal Law

Mr. Rohit Manglik



Nature Of Criminal Law:

Natural Law and Laws of Nature in Early Modern Europe Michael Stolleis, 2016-04-22 This impressive volume is the first attempt to look at the intertwined histories of natural law and the laws of nature in early modern Europe. These notions became central to jurisprudence and natural philosophy in the seventeenth century; the debates that informed developments in those fields drew heavily on theology and moral philosophy and vice versa. Historians of science, law, philosophy, and theology from Europe and North America here come together to address these central themes and to consider the question: was the emergence of natural law both in European jurisprudence and natural philosophy merely a coincidence, or did these disciplinary traditions develop within a common conceptual matrix in which theological, philosophical, and political arguments converged to make the analogy between legal and natural orders compelling? This book will stimulate new debate in the areas of intellectual history and the history of philosophy as well as the natural and human sciences in general. The Nature and Value of Vagueness in the Law Hrafn Asgeirsson, 2020-04-10 Lawmaking is paradigmatically a type of speech act: people make law by saying things. It is natural to think, therefore, that the content of the law is determined by what lawmakers communicate. However, what they communicate is sometimes vague, and even when it is clear, the content itself is sometimes vague. This monograph examines the nature and consequences of these two linguistic sources of indeterminacy in the law. The aim is to give plausible answers to three related questions: In virtue of what is the law vague? What might be good about vague law? How should courts resolve cases of vagueness? It argues that vagueness in the law is sometimes a good thing, although its value should not be overestimated. It also proposes a strategy for resolving borderline cases, arguing that textualism and intentionalism, two leading theories of legal interpretation, often complement rather than compete with each other.

Principles of Indonesian Criminal Law Topo Santoso, 2023-02-23 This authoritative new work sets out the key tenets of the principles and process of criminal law in Indonesia. Focusing on substantive criminal law, starting from its definition, history, principles, and interpretation, it goes on to explore a criminal offence and its elements, criminal fault, and liability, causation, and other issues. The author is a leading scholar, experienced both in practice and teaching in the field. Comparative criminal lawyers will welcome this important new work. **Introduction to Law** Mr. Rohit Manglik, 2023-06-23 In this book,

we will study about the basic concepts of law, legal reasoning, types of laws, and their evolution in India. It serves as a foundation for students beginning their legal education. ICLSSE 2020 Putu Indra Christiawan, Eko Budiyo, Ardyanto Tanjung, S. Sriyanto, Robbi Rahim, 2021-01-04 As an annual event, The 2nd International Conference on Law, Social Sciences, and Education (ICLSSE 2020) continued the agenda to bring together researchers, academics, experts, and professionals in examining selected themes by applying multidisciplinary approaches. In 2020, this event will be held on 10 November at Universitas Pendidikan Ganesha. The conference from any kind of stakeholders related with Education, Political Law, and Social Related Studies. Each contributed paper was refereed before being accepted for publication. The double-blind peer

reviewed was used in the paper selection **Handbook of Contemporary Chinese Social Sciences** Ping Hao,2025-10-09 This Handbook presents thorough literature reviews and detailed analyses on the development of China s social sciences research since the reform and opening up in 1978 The handbook is comprised of 4 sections politics and law sociology and economics demography and education journalism studies and library science Written and edited by leading scholars from Peking University each volume critiques the research findings and provides guidance for future investigations of the respective field Given its scope the handbook will offer international academics an in depth and up to date understanding of the development of Chinese scholars research on Chinese social sciences over the past forty years **The Blackwell Guide to the Philosophy of Law and Legal Theory** Martin P. Golding,William A. Edmundson,2008-04-15 The Blackwell Guide to the Philosophy of Law and Legal Theory is a handy guide to the state of play in contemporary philosophy of law and legal theory Comprises 23 essays critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists Each essay incorporates essential background material on the history and logic of the topic as well as advancing the arguments Represents a wide variety of perspectives on current legal theory A Course of Study for the Preparation of Rural School Teachers, Nature Study, Elementary Agriculture, Sanitary Science, and Applied Chemistry David Eugene Smith,Edward Douglas Greenman,Fred Mutchler,Henry Stoddard Curtis,International Commission on the Teaching of Mathematics,Mary Adelaide Nutting,Mrs. Fannie Fern (Phillips) Andrews,William Heard Kilpatrick,William Starr Myers,William James Craig,1912 *Nature, Extent, and Proliferation of Federal Law Enforcement: An introduction and overview* United States. Congress. House. Committee on the Judiciary. Subcommittee on Crime,1996 **The First Book of the Law; Explaining the Nature, Sources, Books, and Practical Applications of Legal Science, Etc** Joel Prentiss BISHOP,1868 **Burke and the Nature of Politics** Carl B. Cone,2014-07-15 In this second of two volumes Carl B Cone demonstrates once again that only through a study of Edmund Burke s active political life can one understand his thought To Burke s important practical contributions to the art of government made prior to 1782 Volume I The Age of the American Revolution must now be added the extension of his thought to new problems of empire and finally in more theoretical directions to the French Revolution which Burke saw as the greatest crisis in the history of the Christian community Mr Cone frankly acknowledges the flexibility of view Burke displayed while active in politics but he also reveals Burke s basic continuity of principle His career as a public man was a quest for justice and good order in the affairs of men Each of the great problems he encountered served to develop in him the belief that the duty of the statesman was to bring his society into harmony with the moral order of the universe Burke was absorbed in four great causes after 1782 One was domestic the constitutional and social order of England Burke championed the independence of parliament the supremacy of the House of Commons and the aristocratic political system against those who asserted the prerogative powers of the crown or the necessity for parliamentary reform As before 1782 he continued to

advocate party as the instrument for giving effect to the constitutional principles that would preserve the liberties of Englishmen For the people of the British Empire too Burke sought justice With America gone he turned his attention to the administration of India Deeply entangled with domestic politics the impeachment of Warren Hastings governor general of India for abuse of his office engrossed Burke through almost all of the last fifteen years of his life Mr Cone s account of the impeachment is the fullest that any student of Burke has published Another great imperial problem justice for the people of Ireland also runs through the entire period 1782 1797 As during the American Revolution Burke desired to preserve the unity of the British Empire and the integrity of the protectionist commercial system and so he approached the Irish problem with the conviction that justice could be attained within the superintending authority of the imperial government The crisis of the French Revolution dominates the last half of the book Because it was based upon principles of man and society the Revolution forced Burke as no earlier crisis had done to give the fullest expression to his philosophy in one of the great political documents of the world Mr Cone presents here a discerning analysis both of the nature of Burke s opposition to the basic ideas of the Enlightenment and an exposition of the historical legal principle which had emerged in Burke s own thought from the experience of a full life *Indiana Digest* ,1912

The Emergence of EU Criminal Law Sarah J Summers,Christian Schwarzenegger,Gian Ege,Finlay Young,2014-12-01 Criminal law can no longer be neatly categorised as the product and responsibility of domestic law That this is true is emphasised by the ever increasing amount of legislation stemming from the European Union EU which impacts both directly and indirectly on the criminal law The involvement of the EU institutions in the substantive criminal laws of its Member States is of considerable legal and political significance This book deals with the emerging EU framework for creating harmonising and ensuring the application of EU criminal law This book aims to highlight some of the consequences of EU involvement in the criminal law by examining the provisions which have been adopted in the field of information and communications technology It provides an overview of the criminal law competence of the EU and evaluates the impact of these developments on the criminal laws of the Member States It then goes on to consider the EU legislation which requires Member States to regulate matters such as data protection e security intellectual property and various types of illegal content through the criminal law is analysed In the course of this evaluation particular consideration is given to issues such as the basis on which the EU institutions establish the need for criminal sanctions the liability of service providers and the extent to which the Member States have adhered to or departed from the legislation in the course of implementation

The Christian Atonement; Its Basis, Nature, and Bearings ... Joseph Gilbert (Congregational Minister at Nottingham.),1836

Legal nature of exemption from punishment I. Efremova,2022-01-29 This monograph is dedicated to studying the most difficult and valuable problem of criminal law the discharge from punishment A legal nature of exemption from responsibility its types causes and terms of its use are examined in this work Criminal law and enforcement issues are analyzed This monograph is to be used by law enforcement

officers tribunals science workers graduate students undergraduates and students of law schools **Proceedings of the International Conference on Law Reform (5th Inclar 2024)** Sholahuddin Al Fatih, Hilaire Tegnau, Muhamad Helmi Bin Md Said, Nur Rohim Yunus, Abdullah Saeed, Fokke J. Fernhout, Teng Junaidi Gunawan, M. Najih, Jady Zaidi Hassim, Dewa Gede Sudika Mangku, Hasnan Bachtar, Fifik Wiryani, Hikmahanto Juwana, Sonny Zuhuda, Muhammad Fauzan, 2025-02-27 This book is an open access Law is a set of rules made to foster regularity and guarantee safety and certainty for citizens The existence of Law is intended to maintain social order and control societal changes into something as expected Both law and humanity are inextricable and they work in harmony Therefore the formulation and enforcement must take place simultaneously This view is relevant to the idea of Prof Satjipto Raharjo in his progressive legal theory believing that law is born for human beings not the other way around In other words the law should keep moving to maintain the people's welfare and to ensure that the certainty justice and utility of the law are guaranteed Recently the world has been faced with seemingly unstoppable humanitarian crises Prolonged conflict has caused severe losses affecting physical economic and psychological conditions and no diplomatic and repressive actions have managed to stop this issue In such a situation the law should play its role in protecting those affected by this inhuman conflict However international and national laws seem to be left as nothing but mere meaningless written rules that fail to address this existing problem In such a situation humanity is being disrupted which it sees a change of meaning triggering a critical situation and blurring it This situation also indicates that these days humanity is facing challenges Departing from this perspective the Faculty of Law Universitas Muhammadiyah Malang holds the 5th International Conference of Law and Call for Papers with the Theme Redefining Humanity Values as the Basis of Legal Reasoning Challenges in the Disruption Era From this conference we expect to welcome more ideas of redefining the significance of humanity toward the law in the existing challenges The Nature of African Customary Law Taslim Olawale Elias, 1956 **Laws of Men and Laws of Nature** Tal GOLAN, Tal Golan, 2009-06-30 Are scientific expert witnesses partisans or spokesmen for objective science This ambiguity has troubled the relations between scientists and the legal system for more than 200 years Modern expert testimony first appeared in the late eighteenth century and while its use steadily increased throughout the nineteenth century in cases involving everything from patents to X rays the respect paid to it steadily declined inside and outside of the courtroom With deep learning and wry humor Tal Golan tells stories of courtroom drama and confusion and media jeering on both sides of the Atlantic until the start of the twenty first century as the courts still search for ways that will allow them to distinguish between good and bad science *Criminalization*, 2024-12-02 Criminalization Politics and Policies provides a thorough analysis of the relationship between politics policies and criminalization Through diverse perspectives and scholarly essays it explores the multifaceted issues in criminal justice law and governance The book scrutinizes the impact of law society politics and penal populism on criminalization across legal systems advocating for a reassessment of criminal law's scope It delves into the prevalence of resorting to criminalization for

social issues urging for a critical review. Additionally, it examines the normative foundations of criminalization, addressing over criminalization and exploring its empirical and normative aspects. The anthology also considers the roles of prosecutorial and judicial discretion as well as State preventive powers in over criminalization. Whether a scholar, policymaker, or citizen, readers gain insights into the expansion of criminal laws and their consequences, making it a valuable resource for understanding the dynamics of law, politics, and power in criminal justice. Contributors are Naveed Mehmood, Chirag Balyan, Shruti Bedi, Shubhangi Jain, Charles Khamala, S. Bastien LaFrance, Sidharth Luthra, David McCallum, Garima Pal, Daria Ponomareva, Alok Prasanna, Yogesh Pratap Singh, and Ekkehard Strauss.

Might Nature Be Canadian? William A. Macdonald, 2020-03-05. Mutual accommodation is about cooperation, compromise, and inclusion. It's a big idea equal to freedom, science, and compassion. The postwar global economic order led by the United States is one of the greatest historic achievements of mutual accommodation, yet it is now at risk from the centrifugal forces that have led to populism. Today, to many nations and people, Canada is the model country driven by successful mutual accommodation. In *Might Nature Be Canadian*, William Macdonald explores the theme of mutual accommodation with a close lens on the Canadian experience. Canada has a drive toward mutual accommodation; the United States has a strong drive toward division. There has always been a divergence of ideologies between the two countries. The United States now appears to view the world as a never-ending struggle, which has become greater since 2000 between good and evil, while Canada, by contrast, leans toward the idea that there is an underlying order at the heart of things. Canada has always faced strong limits in creatively overcoming a challenging geography and French-English language differences within its own borders; on the other hand, the United States sees itself as a country with virtually no limits. Throughout its history, Canada's drive toward mutual accommodation, stronger than that of any other country, has allowed its increasingly diverse citizens to live together peacefully and successfully, even as they retain their own culture, language, and religion. Nature can be described as simultaneously either/or and both/and. Is there something fundamentally Canadian about this? Taking inspiration from British philosopher Alfred North Whitehead, who said that civilization is the triumph of persuasion over force, Macdonald argues that the urgent spread of mutual accommodation, a charge led by Canada, is central to achieving a bearable world for everyone.

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