

University center Abdelhafid Boussouf- Mila

Faculty of law & political sciences

Department of Law

Lecture five: The Scope of Criminal Sanctions



Addressed To Master 2 criminal Law Students-Semester 1

Prepared & Presented by:

Ms. Sara MEZHOUD

Teacher of English language

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Introduction

Criminal sanctions refer to the legal penalties imposed by a court in response to the commission of a criminal offense. These sanctions aim to punish the offender, deter future crime, protect society, and rehabilitate the offender. The scope of criminal sanctions refers to the extent, limits, and types of punishments that can be applied within a legal system.

1. What are Criminal Sanctions?

Criminal sanctions are the legal consequences or punishments imposed on individuals found guilty of committing a crime. These sanctions serve various purposes:

Punishment: To punish the offender for their wrongdoing.

Deterrence: To discourage both the offender and others from committing similar crimes.

Rehabilitation: To help the offender reintegrate into society and reduce the risk of reoffending.

Protection of Society: To ensure public safety by removing or restraining dangerous individuals.

2. Types of Criminal Sanctions

Criminal sanctions vary widely depending on the severity of the crime, the legal system, and the principles of justice in a country. The common types of criminal sanctions include:

Imprisonment (السجن):

Incarceration of the offender for a specific period as a penalty for serious crimes.

Fines (الغرامات):

A monetary penalty imposed on the offender as compensation for the harm caused by their crime.

Community Service (خدمة المجتمع):

A non-custodial punishment requiring the offender to perform work for the community.

Probation (الإفراج المشروط):

A period of supervised release, allowing the offender to remain in society under certain conditions, without serving time in prison.

Death Penalty (عقوبة الإعدام):

The legal execution of an individual convicted of certain grave offenses, though it is abolished or suspended in many countries.

Restitution (التعويض):

Requiring the offender to compensate the victim for the harm caused by the crime, either through direct payment or other means.

Suspended Sentence (الحكم المعلق):

A sentence that is not immediately enforced, but will be carried out if the offender violates conditions of probation or commits another crime.

Banning Orders (حظر السفر أو الأنشطة):

Orders that prohibit the offender from engaging in certain activities, such as entering certain areas or associations, or engaging in specific professions.

Rehabilitation Programs (برامج التأهيل):

Programs designed to help offenders address the underlying causes of their criminal behavior, such as substance abuse treatment or anger management classes.

3. Scope and Application of Criminal Sanctions

The application of criminal sanctions is governed by various factors, including:

The Severity of the Crime (شدة الجريمة): More serious crimes, such as murder or large-scale drug trafficking, tend to attract harsher penalties (e.g., long imprisonment or death penalty).

The Offender's Criminal History (التاريخ الإجرامي للمجرم): Repeat offenders may face harsher sanctions.

The Circumstances of the Crime (ظروف الجريمة): Factors such as whether the crime was premeditated, whether it involved violence, or whether it was committed under duress can affect the severity of the punishment.

The Legal Framework (الإطار القانوني): Different countries and legal systems have varying laws and procedures for applying criminal sanctions.

The Goal of the Sanction (هدف العقوبة): The sanctions may aim to punish, deter, rehabilitate, or protect, and the specific goal will influence the choice of sanction.

4. Limits of Criminal Sanctions

Although criminal sanctions are essential for justice, they have their limits:

Excessive Punishments: In some cases, criminal sanctions may be too severe, violating human rights or international conventions on torture and cruel, inhuman, or degrading treatment.

Overcrowding in Prisons: Overuse of imprisonment, especially for minor offenses, can lead to overcrowded prisons, which may negatively impact the rehabilitation of offenders.

Inequality in Application: The scope of sanctions may sometimes be applied unequally, with certain groups of people (e.g., based on race, socioeconomic status) facing harsher penalties than others.

Effectiveness: The effectiveness of criminal sanctions in achieving deterrence or rehabilitation is often debated. Some studies suggest that rehabilitation programs and community-based sanctions are more effective than imprisonment in preventing reoffending.

Terminology

Criminal Sanctions - الجزاءات الجنائية

Punishment - العقوبة

Imprisonment - السجن

Fine - الغرامة

Community Service - خدمة المجتمع

Probation - الإفراج المشروط

Restitution - التعويض

Death Penalty - عقوبة الإعدام

Suspended Sentence - الحكم المعلق

Rehabilitation - التأهيل

Recidivism - العود الإجرامي

Deterrence - الردع

Extradition - التسليم

Criminal Responsibility - المسؤولية الجنائية

Criminal Record - السجل الجنائي

Aggravating Circumstances - الظروف المشددة

Mitigating Circumstances - الظروف المخففة

Sentencing Guidelines - إرشادات الحكم

Restorative Justice - العدالة التصالحية

Human Rights - حقوق الإنسان