

Motivations for Individualization of Punishments

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Abstract

In this research, Motivated by Individualization -defense to penalties, seeks to answers to this question whether principle Individualization penalty, can be recognized as a legal principle? Individualization penalty means: Differentiate between the delinquents and determine the penalty imposed or alternately follows the character of the offender and the punishment that is imposed on him. In this research Western of Jurists the views (of Individualization motivations to penalties) have been investigated. Now, to the motivations study of the Individualization we explain penalties.

Keywords: Motivations, Individualization, Punishments, Retaliate, Vengeance, justice.

Introduction

Of what is considered further in this study? And trying to explain it to the Dear Readers; The Individualization is motivated punishments. This means that penal court after filing process for the criminal character in beside penal case, after careful study experts' opinions in various sciences and accurately identifies the real character of the offender, attempted to determine the appropriate penalty does his personality. So that he caused correct and prevent the repetition of crime; although authority of judges in this area varies from country to country. The following cases of has been investigated motivated Individualization to penalties.

A – Retaliate

Punishment or retaliation theory, Refers is situated the mass and according to it, due to the fact that the offense has been committed should be punished. Three other theories, that the sentencing is all of them related to the consequences and they aim of achieving results external through sentencing is applied that is: Reduction crime in the future. That is why they are often known as theory of Self-interested (Consequentiality) is interpreted. The truth is that some of offenses are so anger disposes that the community insists on appropriate and sufficient

sentencing, because the sinning is deserved, whether corresponding sentencing is a deterrent or not.

Some of acts are such the aggressive that great mass of the death (regardless of the value of the death penalty) as an inhibiting factor, only considered has been punished appropriate for its acts. The final justification every punishment is not a deterrent aspect, rather decisive and emphatic society denounce of the crime (Vtiliturian). This theory has been done in the case two different impressions, which the following Criticizing and examining is about.

1 – Vengeance

To appears complex to discuss the principle of reprisals, because this word has being used in different meanings. The desire for Vengeance by **aggrieved party** (or relatives and her relatives) is satisfying. The government is thinking preventing the merely personal Vengeance behalf of this people. Now must ask if the victim or his relatives do not seeking Vengeance, how should he behave? Notwithstanding the penalty applied behalf of the government would be justified? Do Victims of Crime usually seek Vengeance and it kind of incarcerate are offenders? (Vengeance) ;(Goldouzian, 1991).

2 - Denouncing and blaming the crime

Punishment is the way in which the Government, through its misguided and wrong acts does disapprobation and to maintain the respect for the law is necessary. If the goals the punishment, deterrence or corrective or preventive merely know is wrong. If such was would not be the person committed a wrongful death in a car crash sent to prison. He should but rather solely be deprived from driving. But does the public opinion will be satisfied with of this verdict?

B - Sin of compensation

Based on the theory of compensating sin of crimes should be forced to compensate their sin of and purify through sentencing will endure. Nature of the compensation theory is that by endure offenders punishment guilt has given erase and the crime reparation Thus, the bill has been removed with the society (Ppyal commission on capital, 1949).

However, taking into account the overall situation and regret of the act they committed and the fact that they have been in prison for 6 weeks; and hope they have learned a lesson; penalty prescribed is suspended for 2 years (Jonos, 1965).

C: require of justice

Coordinated approach to the performance of justice in the face of to punishment till criminals get to what they fairly deserve. Criminal acts order to administration of justice, a dangerous state of denial, removing of corrupt persons, discipline and reform the criminals and others as

well as intimidation. And of the oldest Penal regulations and were of the first Criminal Code. (Willians, 1974). Self-interested theory seeks to achieve a goal is possible at any price. The boundary between these theories is very vague and many of them containing some subgroups w by various authors to be investigated are taken quite different.

D – Of deterrence

Of deterrence, one of the goals the Individualization is the judicial punishment. Proponents of this theory believe that the individual criminal, can Individualization also a sense of justice that he loses away of committing a crime again. And if this is the too be created a sense in society individuals someone would not go looking for another offense and in effect of this theory the society will face with loss of crime. Talk about the types of deterrence in objectives of punishment is expressed. But one of the consequences of deterrence, Society training that is we have described.

1 - Education Society

Educational theory is based on this assumption that corporate ethics and prohibitions against committing an offense. Permanent penalty apply by towards others was made and maintained. Assess this assumption is difficult.

For example, a group of test cases persons in connection with evaluating the ethical aspects of a particular behavior. Such as refusing to rescue someone who is drowning, were placed questioned. To some of these people were told that this behavior is considered as a crime and others states that not have any lifesaving is not about the duty. Group first, very severe judgments about mentioned behavior of the two groups were compared.

E: denied rights

Advocates of this approach believe they insisted. That unfortunately as a fact of life, must accept that there are a group of criminals, which leverage about them interceptions and even reform and Rehabilitation, is not performance. These kinds of people, whenever they are unable to commit a crime to are continuing their criminal acts. In such circumstances, the only method that to protect your society can take to it, that such persons shall be imprisoned for a long time (Royal commission capital punishment , 1943).

F-Rehabilitation

Punishment of criminals order to modify them rehabilitation, according to one of the most ambitious theoretical developments has been penal. This theory maintains that implementation of punishment causes the offender not correct and obstacle repetition of the offense not be not have any benefits, and every penal should have such properties.

Churchill half a century ago in the House of Commons said: "The mood in connection with the way of facing to crime and criminals is one of the most definitive methods of civilization and progress of country. Comfortable to understand and empty from prejudice against government rights of the accused and even convicted, Care and Self Examination consistently by all those who have been condemned to punishment, desire and enthusiasm to correct those who sentences during hard times, they compensated their debt; Tireless efforts in order to discovery of therapeutic and corrective processes at the heart of every man, firm faith and a treasure that has we wish we could to achieve it; This symbols that come in contact with crime and criminals represents criterion of a nation is power saved". Correction theory of offenders even result of the treatment and even restriction of the offender to follow (Weihofen, 1969).

Discussion

- 1-** Punishment or retaliation theory, Refers is situated the mass and according to it, due to the fact that the offense has been committed should be punished.
- 2-** Based on the theory of compensating sin of crimes should be forced to compensate their sin of and purify through sentencing will endure.
- 3-** Coordinated approach to the performance of justice in the face of to punishment till criminals get to what they fairly deserve.
- 4 -** Punish its way through the government to denounce acts wrong and error and to maintain respect for the law is necessary.
- 5-** Punish criminals order to modify their rehabilitation, according to one of the most ambitious theoretical developments has been penal.

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