

Criminal Law

Introduction:

Now when we discuss criminal law then usually a question arise in our mind is, what is crime?

Crime is basically an unlawful act which is punishable by the state. The criminal law concept is very huge so it is not possible to sum up the concept of crime in one definition. A common principal of Criminal law is, if an activity is not prohibited (banned) by law then it is not a crime and vice versa. Criminal law is the body of law that relates to crime. It regulates social conduct and prescribes whatever is threatening, harmful, health, safety, and moral welfare of people. Crime commitment not only hurt any single individual but also hurt the state severely. Therefore, such acts are punishable by law.

Definition:

According to Merriam Webster Dictionary:

“Criminal law actually is the system of law concerned with the punishment of individual who commit crime.”

Categories of Criminal Law:

★ **Personal crime:**

Crimes against persons means such crimes in which a certain person or persons may murder, robbery, rape any other person or persons

★ **Property crime:**

Property crime is theft of property without harm anyone. E.g., Arson (In such cases, a person destroys their own property by burning it and then lies about the cause in order to collect against their insurance policy. A person who commits arson is called an arsonist).

★ **Crimes against morality:**

There are many in which no one harmed physically and no one commit property crime. Similarly, in morality guilty individual do immoral activities which are not acceptable in law. Such as use of illegal gambling and illegal drugs are the examples of such crime. These crimes are victimless crimes because no complainant or victim appear for suit and the state take action themselves for the peace.

★ **White collar crime:**

Economic offences that are committed by people of high social status. They commit crimes in their respective occupation. E.g., Embezzling (stealing money from one's employer), Instance of corruption bribery and large-scale scam are fall in the category of white-collar crime.

★ **Organized crime:**

Organized crime is the crime which committed by structured group and they transfer illegal goods and other services to others.

Objectives of Criminal Law:

These are the five objectives of law.

➤ **Retribution:**

Retribution gives an offender a punishment equal to the crime they committed.

We can say that in plain language, this is not “eye for eye” revenge. Rather it is a judgement of sentencing of the court delivering punishment for a criminal act. The process of a trial calculates and determines this punishment. Punishment will usually take away certain freedoms and rights from offenders. It will often be imprisonment.

➤ **Deterrence:**

It is divided into two categories. **(Special & General)**

In Special, is the deter(scare) of specific person who is offender or criminal.

In General, is the deter of society so nobody commits crime.

➤ **Incapacitation: (prevention)**

If any offender commit crime then sends him into prison so the society works properly and would save from the criminal and discourage him(offender) so he does not commit crime again. It is basically the physically pain.

➤ **Rehabilitation:**

The main goal of rehabilitation is to help the offenders to aware them that it is unlawful act and tell them if he does this then he/she will get punished and after committing crime in the prison they learn the difference between the good and bad.

➤ **Restoration:**

Restoration is basically the benefits for the victims. It is the act of repairing any injury inflicted to the victim by the offender either in the form of money or property.

Functions of Criminal Law:

These are the five functions purposes or Benefits of criminal law.

★ **Maintaining Order:**

Criminal law provides social control and because of criminal law people rely on government that the system can solve their problems and for this they complain to police or judiciary. And without criminal law there would be chaos(disorder) and uncertainty.

★ **Resolving Disputes:**

The law makes it possible to resolve conflicts between the quarreling citizens by punishing them and some times by compromising between them. It is a peaceful way to handle disputes.

★ **Protecting individuals & Property:**

Criminal law protects the individuals from criminals who can harm physically others for taking their worldly goods. E.g., property, gold, money, etc.

★ **Smooth functioning of society:**

Criminal law provides a platform of a clean environment for people so they can send their lives perfectly and from this action society works smoothly. e.g., if government collect taxes then government can provide the evolution to the state.

★ **Safeguarding Civil Liberties:**

Criminal law protects the rights of common people and give them liberty(freedom) for surviving according to their culture and language. e.g., freedom of speech.