

When and Why do we use Criminal Law?

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Criminal Law

- Public Wrong

- An offence against the community

State - v - Individual

- a criminal process is initiated
- a punitive sanction is applied

Other types of regulation also exist:

- *Regulatory offences*
- *Administrative offences*

(company law, environmental law, landlord and tenant law, communications law...)



Purpose of Criminal Law

Different schools of thought

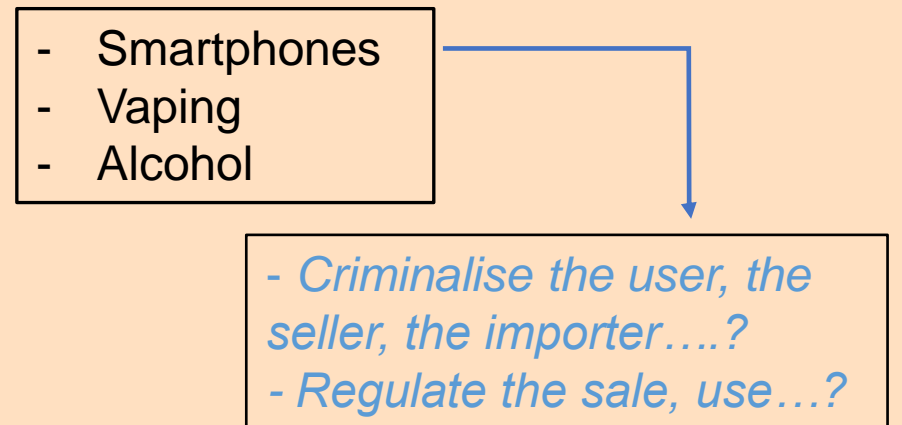
Criminal Law exists solely to prevent harm to individual citizens and to maintain general good order.

Criminal law has a more active role to play in creating a good society with clear social values and morals.

- *(Whose social values and morals?)*

Who decides what is criminal? (i.e. what is unacceptable to the community)

- The legislature – elected representatives of the community
 - the Oireachtas
- Societal influence
 - Differences in cultures and times
 - abortion
 - “homosexual acts”
 - marital rape
 - drug law



Justifying Punishment for Criminal Behaviour

Retribution

- Community denouncing a crime and the one who committed it. Expressing the revulsion of the public.

Deterrence

- Particular – deter the particular individual
- General – punish one as a warning to others

Incapacitation

- To avoid the crime being committed again the perpetrator is imprisoned.

Reformation/Rehabilitation

- More an issue for the prison service, probation etc – rather than criminal law itself

Limitations

Implementation

- Discretion
- Resources (funding)

Reinforcing existing inequalities?

“Crime on the streets vs crime in the suites”

Creating barriers to recovery / re-integration

Narrow focus

- Health interventions
- Education
- Early childhood interventions

Whole of Society Approach

Thank you

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