Unit 1 Week 1

[Name of the Writer]

[Name of the Institution]

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**Question Number 1**

In criminal law, the principle of legality is created to guarantee the law’s primacy for the procedural working. The legality principle assures an arbitrary non-biasness to the defendants and state prosecution (Pound, 2018). Thus according to ‘principle of legality,' a crime which has been publically declared neither lawfully announced nor administered through jury law cannot convict a person of the crime or is done by the person for the first time. Therefore, people, who are prosecuted for the crime which they committed for the first time it is just as the second component of this principle says that no person is higher than the law or legality and ignorance cannot be justified for innocence.

**Question Number 2**

Two general division of theories of punishment is retributive and utilitarian. The theory of retribution seeks the punishment of the criminal as rightly as they deserve regardless of the nature or primacy of the crime. Whereas, the utilitarian theory suggests that the punishment should be as such it deters or discourage the wrongdoings of the future. It focuses on increasing the laws which enhance society's happiness and wellbeing. Contrarily, the retributive theory is extreme with the punishments, and they focus more on the correctness of laws and legality in the society at any cost. I will prefer going with the utilitarian theory as it advocates for the society’s care and correctness in more subtle ways.

**Question Number 3**

According to the presumption of innocence, the person is innocent unless and until they are proven guilty for a crime. The burden of providing proof is on the prosecutors who are compelled to collect every form of witness or proof as a piece of evidence for convicting or acquitting a person of the crime before the panel of judges or jury. By law, this jury is only ordered to abide by the evidence and testimony free of fraud and bias. Due to the recent era access to smart devices ad cameras, every person is evidence of any crime going on in the society. This fact provides the prosecutor with many testimonies and witness with proofs, so it reconciles with the presumption of innocence as there would be an abundance of evidence for a person to be charged or freed against a crime.

**References**

Pound, R. (2018). Criminal justice in America. Routledge.