CRIMINAL JUSTICE LAW

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**Overrepresentation of Aboriginal people in Victoria**

The current social and economic issues that are associated with Aboriginal people are directly linked with the experiences that they have to go through under European colonialism. The usage of excessive power and unjust government means that the settlements resulted in a loss of lands, culture, racism, institutionalization and deep-rooted poverty of Aboriginal people. The consequences of that time are still showing its results today. Its results are still visible in the overrepresentation of Aboriginal people in the criminal justice system. This overrepresentation can further initiate and prolong the cultural damage, social segregation and economic losses of Aboriginal people (Neale, 2016). It may result in poverty, racism, disruption of culture, institutionalization, removal of children, and social exclusion. The aboriginals have been challenged socially, politically, and economically. The overrepresentation of aboriginals in the criminal justice system can be seen through the analysis of the judicial system. It is a complex issue that is still the same as it was during the 2000s. The rates of aboriginals in Victoria are lower as compared to other Australian jurisdictions, but it is increasing as compared to the non-Aboriginal population. Currently, there are over 50 adult and children's Indigenous sentencing courts in Australia, operating under varied legislative frameworks and with differing eligibility criteria (Marchetti, 2016). Several factors are responsible for the failure of initiatives taken on this issue. The unjust legal system and control of Canadians on the lives of Aboriginals has led to a disaster that would create chaos in future as well. The prison rate has been increased in the country, which was considered a national crisis and required a national action. However, the response from the federal government was highly disappointing. Over-policing has created distrust for police in the Aboriginal people as it has impacted their attitudes and lives to a larger extent (Whellum, Nettelbeck, & Reilly, 2019). The criminal justice system not only identifies Aboriginals as dangerous or violent but also as victims. The Aboriginals were self-governed and autonomous, but colonization fully changed them with its focus on individualism, isolation, and punishment. The current system differs significantly as it focuses on finding out the root causes of crimes and allowing offenders to take responsibility for what they have done (Jones, Lithopoulos, & Ruddell, 2016). It also tries to heal the criminals by repairing the damage done to them, but the initiatives are not being successful as the purpose of these practices is to change the system into a more effective one, rather than to address the question about its legitimacy. The tough criminal system should be shifted to careful policymaking to achieve a wide cultural and practical change. However, the recent Supreme Court decisions have lowered the jail population; there is no drop in the Aboriginal admissions that suggests that it may continue to be a problem in the future as well. The strategies that are being used by the Canadian Justice system for resolving this issue are incompatible in the eyes of the Aboriginal people. The courts have not been successful in providing an appropriate resolution to the problem that has created an unwillingness in the Aboriginals to utilize the courts for help. The most appropriate task is not to follow justice and legal system, but to create and follow a proper Aboriginal Justice System to make future initiatives successful.

**Stakeholder management in the Criminal Justice System**

Stakeholder management is one of the central parts of any organization’s effectiveness. They act as agents, sponsors and advocates of change in any organization. Stakeholder management in the public sector is still lagging and is often considered as chaotic and disorganized. In stakeholder management, there are three key elements, namely leadership, staff and communications that separates the best organizations from their competitors. When considering a criminal justice system, its stakeholders include all the people that are affected by it. These stakeholders are key to keep our communities safe. The stakeholders of a criminal justice system include internal, and external include both internal and external stakeholders (Potdar, Guthrie, & Gnoth, 2016). Internal stakeholders are the system itself while external stakeholders are those which the system serves or in some way gets affected by it. Internal stakeholders include the system and people involved with it, for example, Police officers, lawyers, parole officers, probation officers, correctional officers, judges etc. Internal stakeholders include people who help in enforcing and interpreting the law. All those people who are either suspects or convicts can also be considered as internal stakeholders of the system(Hall & Rossmanith, 2016). To properly implement the law and justice system, all the entities of internal stakeholders must perform their jobs and duties. However, the external stakeholders of the criminal justice system include people that are somehow affected by any crime that is happening or have happened (Liberman & Fontaine, 2015). Victims who are directly affected, media who report it, those who hear or listen about the crime are also being affected. In short, everyone is being affected by the criminal justice system, people who pass the laws to its implications on the people. The government cannot solve problems on their own neither they can deliver services without the co-production and involvement of Stakeholders. Participation in direct democracy is important to step in empowering stakeholders that makes specific decisions (Suggett, 2012). Stakeholders are those who are directly affected by the project or a system that is in place. All the positions or people that are mentioned above, whether that are either internal or external stakeholders are an essential part of a criminal justice system and is required to be monitored and managed properly. If there is no check and balance in the police department, then it is certain that the number of criminals will increase exponentially. Effective stakeholder management also means communicating the right information to the right person at the right time. Delivering essential information to the police department is necessary, but it is also equally important to then provide the criminal background history of that case to an investigation officer. Specifying a specific set of duties for a specific department is an important step in stakeholder management. Stakeholder management is essential because it is the essence of a progressive justice system. Good stakeholder management will allow to reduce the issues involved in a criminal proceeding and help it in achieving its targets. A comprehensive and well-classified justice system means that cases are dealt with ease and criminals receive their penalty according to a specified set of laws.

**Utilitarianism and Deontology**

The theory of Utilitarianism defines that the doctrine of action is right if it results in happiness for the majority of the people. It is a type of normative ethical theory that places the locus of right or wrong truly based on the results of an action. The theory of Utilitarianism is not limited to the scope of someone's self-interest and takes consideration of other benefits.

The basic idea of the principle of utilitarianism is to increase the value in terms of the wellbeing of the affected people. Utilitarianism theory is based on consequentialism, which says that the consequences or results of anything are the only standards on which anything should be judged. Action under this theory is morally permissible if and only if they produce as much net happiness as any other actions available.

While Deontological ethics is defined as a theory that bases its results on the path or action that is being taken to perform it. The results of an action do not matter in this situation as long as the path is taken to complete the action is right (Braswell, McCarthy, & McCarthy, 2017). This theory uses rules to distinguish right from wrong. According to this theory, all the actions follow universal moral laws. This law implies that a bad action can only result in harming others. For example, no good can be achieved from stealing, lying or cheating. Deontology is simple to follow; it requires the citizens of a country to follow the rules and perform their duties according to the laws.

Utilitarianism doesn’t offer any ethical framework for decision making and actions. Because Utilitarianism cause subjectivity and uncertainty in the system because you don't certainly know what to do? Also, we cannot predict the future, so we don't know whether the consequences of our actions will be moral or wicked (Sverdlik, 2017). Right or wrong is absolute terms and cannot be properly justified or defined, which makes it one of the main limitations of utilitarianism. A person can even kill someone and claim that it was for the betterment of the society because he may have planned something evil for the future (Beccaria, 2016). Similarly, there is no proper way to account for justice and individual rights. For example, in a court case if there is one victim on one side while ten defendants on the other side, utilitarianism should base its results in favour of the majority of the people involved in the case. Since ten lives can be changed at the expense of only one life, however, it will not be even considered as an acceptable action, let alone the most ethical one (Gawronski, Conway, Armstrong, Friesdorf, & Hütter, 2016). So, in theory, utilitarianism may seem to be the most reason-based approach in determining the truth or falsehood of action; it has some very obvious limitations. Most of the laws can be based on this theory while keeping results in mind and combine the effects of utilitarianism with deontology.

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