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CAPITAL PUNISHMENT OR LIFE IMPRISONMENT

There are always two sides to every issue and capital punishment or life imprisonment is no different. This has been a very controversial issue for decades and still is today. Capital Punishment also known as the death penalty is defined as being the penalty of death for a crime. Some feel that capital punishment should be abolished because it is cruel; others believe life in prison is just as cruel. There are many reasons for the support of Capital Punishment and for Life in Prison [3, p. 32].

Life imprisonment or life incarceration is a sentence of imprisonment for a serious crime, often for most or even all of the criminal's remaining life depending on the country. Understandings of what life imprisonment means are often ambiguous, the life sentence is sometimes perceived to be relatively uncontroversial. Life imprisonment without the prospect of parole for children under the age of 18 years is the most extreme form of this sentence that can be imposed. However, in the United States of America even such sentences have only recently become the subject of public debate. In contrast, in a small but growing number of jurisdictions all life sentences are regarded as constitutionally suspect and contrary to human rights, whilst in the majority of jurisdictions the imposition of life imprisonment is strictly limited. Also traces recent developments in the imposition and implementation of life imprisonment that have evoked some controversy. It pays particular attention to attempts that have been made in practice to ensure that life imprisonment produces punishment that is proportionate to the crime. It points out, however, that a renewed focus on combating dangerous offenders through indeterminate preventive sentences has blunted even this modest safeguard. It warns that this tendency increases the risk of life imprisonment being an unfairly harsh penalty [4, p. 405].

Arguments For life imprisonment:

1. The cost is a very important factor when it comes to deciding whether to sentence a criminal to death or life imprisonment, and it is in favor of life imprisonment. The cost of carrying out a death sentence is more than that of carrying out the life imprisonment sentence by a factor of 2 to 5, some say 10, because carrying out a death sentence involves endless appeals, many expensive procedures like DNA testing, and others which drag on for years, even decades! Other resources like time and effort are also used up much more in case of the death penalty. So much so, that it becomes an impractical decision to sentence a person to death.

2. We as a society, need to learn to not think in terms of "an eye for an eye". "An eye for an eye would make the whole world blind", is what Mahatma Gandhi said. Death as punishment for death is not the solution. Supporters of life imprisonment say that the death sentence encourages a culture that is okay with violence.

3. There have to be cases where the nature of the crime has to be taken into account. In case of what is called passion-crimes, or crimes which are not planned out beforehand, it seems extreme to sentence the person to death. Everybody has their lows, and if the person in question (specially juveniles), wants to change and is repentant, then does he not deserve a second chance?

4. The life imprisonment sentence can be as harsh as the death sentence, maybe harsher. Supporters of this sentence argue that life in prison, decades and decades of living in a cage, in an environment of rape and violence and being treated like animals is worse than the death sentence. With the death sentence, the suffering is over quickly. If the government really wants to punish the convicted, why not make it really count? [5, p. 67].

Arguments Against life imprisonment:

1. Life imprisonment is not a good way to ensure that the criminal doesn't commit such crimes again. What if he/she kills someone in the prison? Or worse still, escapes and goes on a killing spree. Although these seem like outlandish things to consider, they are possible nonetheless. So, if sentencing such dangerous criminals to death means keeping them away from the other prisoners and society, then it sounds like a reasonable idea.

2. Death penalty cases where the criminal appeals for a reduced sentence, attracts a lot of lawyers to defend the criminal. They do it for the publicity. This means that there is a chance, that the guilty will be acquitted on the basis of some technicality or some manipulation.

3. There is also the case of the government looking more sympathetic towards the criminal than the victim. The government needs to send out a strong message that they will not tolerate such criminals. Sometimes, life imprisonment instead of a death sentence can lead to the public being extremely unhappy with the justice system or the government [5, p. 89].

Capital punishment is the practice of executing someone as punishment for a specific crime after a proper legal trial. It can only be used by a state, so when non-state organizations speak of having ‘executed’ a person they have actually committed a murder. It is usually only used as a punishment for particularly serious types of murder, but in some countries treason, types of fraud, adultery and rape are capital crimes. The phrase ‘capital punishment’ comes from the Latin word for the head. A ‘corporal’ punishment, such as flogging, takes its name from the Latin word for the body [2, p. 6]. The debate over the legitimacy or propriety of the death penalty may be almost as old as the death penalty itself and, in the view of the increasing trend towards its complete abolition, perhaps as outdated [1, p. 397].

In recent times, the death penalty has come under a lot of scrutiny for reasons varying from how effective it is in reducing crime rates, to its cost. 58 countries still actively use it, while 96 have given it up. There are some countries which have not used the death penalty for at least 10 years, using it only under special circumstances like treason during wartime. Slowly but surely, governments all over the world are turning to life imprisonment as an alternative. Some countries practice life imprisonment without the possibility of parole, some grant a life term of 25 years. There are factors in favor of both sentences [5, p. 35].

Arguments For capital punishment:

1. Most obvious reason would be, that the death penalty gives the family and friends of the victim closure. The whole process is long and drawn out, draining the victim’s close ones emotionally and financially. The death penalty is a sort of consolation or closure for their long suffering, a way of closing off that horrid chapter in their lives.

2. With DNA testing (99% reliable), the possibility of sentencing the wrong, innocent people to death, as used to happen before, is almost completely eliminated, which prompts many to ask, if there is no doubt that the person convicted is guilty, why not sentence him/her to death?

3. It is considered that the death penalty acts as a very strong deterrent for criminals, that it stops them from committing crimes and lowers the crime rates. Prison time is enough to stop most people, but for some people, a stronger reason is needed. Criminals consider their odds before taking someone’s life. The fact that most criminals who have been sentenced to death appeal for life imprisonment, itself shows that they fear death more than life in prison [5, p. 74].

Arguments Against capital punishment:

1. When the court sentences a person to death, the person sentenced will appeal, till he exhausts all his appeals. This whole process of appeals is very costly, and in almost 9 out of 10 cases, quite fruitless. It is just a method of

delaying the sentence. It puts a strain on the economical and human resources of the judicial system.

2. People who were wrongly convicted and sentenced to death, and were later found to be innocent, were posthumously pardoned and declared innocent. But this makes hardly any difference to the loved ones, because it is not going to bring back the dead person. Although the chances of sentencing the wrong person have reduced to almost negligible because of the accuracy of DNA and other tests, it is still a possibility, and is one of the main arguments against the death penalty.

3. There have been many cases where the people who were convicted and sentenced to death were posthumously found to be innocent. This meant that the government killed innocent people, by mistake of course, but caused an innocent death nonetheless.

4. And last but not the least, the killing of the criminal is not going to bring back the dead. No matter how much hate you have, how much anger or vengeance you have, it's not going to fill the emptiness caused by the death of a loved one. Instead, if the person is alive, there is a chance for him to turn over a new leaf.

People who support the death penalty feel that murderers should be paid back, not treated, even if treatment would mean rehabilitation. Punishment arises from this feeling from the demands of angry people for justice. The function of law is to take the public's anger both by satisfying it, and by moderating it. Punishment satisfies the public's anger and promotes the law abidingness which, it is presumed, accompanies it. Punishment is the means by which the criminal law is imbued with sufficient awesomeness to remind people of the moral order that assures their survival. The world seems to be moving towards life imprisonment. If we are to move towards being a more humane society, we need to think more rationally and not in a prejudiced or emotional manner. But maybe we will never be able to come to a firm decision in favor of either [5, p. 48].

References:

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