**CRIMINAL LAW**

Criminal law is defined as “the branch of jurisprudence that deals with offenses committed against the safety and order of the state”. Criminal law relates to actions that are considered so dangerous that they threaten the welfare of society as a whole. This is why in criminal cases it is the government that brings the action against the accused. By contrast, “**Civil law** is the body of principles that determine private rights and liabilities”. In these cases, one individual or organization brings an action against another. More specifically, civil law is structured to regulate the balance of rights between individuals or organizations.

The concept of criminal law has been recognized for more than 3,000 years. Hammurabi (1792–1750 BC), the sixth king of Babylon, created the most famous set of written laws of the ancient world, known today as the Code of Hammurabi. Preserved on basalt rock columns, the code established a system of crime and punishment based on physical retaliation (“an eye for an eye”).

Criminal laws are now divided into felonies and misdemeanors. The distinction is based on seriousness: A felony is a serious offense punishable by death or imprisonment for more than one year. In contrast, misdemeanor is a minor or petty crime punishable by no more than $ 1000 fine or up to one-year imprisonment. Crimes such as murder, rape, and burglary are felonies; they are punished with long prison sentences or even death. Crimes such as unarmed assault and battery, petty larceny, and disturbing the peace are misdemeanors; they are punished with a fine or a period of incarceration in a county jail. Regardless of their classification, acts prohibited by the criminal law constitute behaviors considered unacceptable and impermissible by those in power. People who engage in these acts are eligible for severe sanctions. Criminal law has three basic types which are as fallows.

1. **Statutory law**: Statutory law consists of laws or statutes enacted by legislature. Each state has a statutory criminal code. The laws that define the boundaries of such offences as homicide, burglary, robbery and larceny are generally statutory in nature.
2. **Case law**: Case law is the law that results from courts interpretations of statutory law or from court decisions where rules have not been fully codified.
3. **Common law**: The history of common law can be traced to 11th- century England, when the existing collection of rules, customs and traditions were declared the law of the land by king Edward the confessor. Common law refers to customs, traditions and other materials that guide courts in decision making but have not been enacted by legislature or embodied in the constitution.

Criminal law is implemented to achieve several goals for the purpose to maintain peace in society and ensure stability of the state. These goals are as follows;

**Enforcing social control:** Those who hold political power rely on criminal law to formally prohibit behaviors believed to threaten societal well-being or to challenge their authority. For example, U.S. criminal law incorporates centuries-old prohibitions against the following behaviors harmful to others: taking another person’s possessions, physically harming another person, damaging another person’s property, and cheating another person out of his or her possessions. Similarly, the law prevents actions that challenge the legitimacy of the government, such as planning its overthrow and collaborating with its enemies.

**Discouraging revenge:** By punishing people who infringe on the rights, property, and freedom of others, the law shifts the burden of revenge from the individual to the state. As Oliver Wendell Holmes stated, this prevents “the greater evil of private retribution”. Although state retaliation may offend the sensibilities of many citizens, it is greatly preferable to a system in which people have to seek justice for themselves.

**Expressing public opinion and morality:** Criminal law reflects constantly changing public opinions and moral values. Crimes, such as murder and forcible rape, are almost universally prohibited; however, the prohibition of legislatively created crimes, such as traffic offenses and gambling violations, changes according to social conditions and attitudes. Criminal law is used to codify these changes.

**Deterring criminal behavior:** Criminal law has a social control function. It can control, restrain, and direct human behavior through its sanctioning power. The threat of punishment associated with violating the law is designed to prevent crimes before they occur. During the Middle Ages, public executions drove this point home. Today, criminal law’s impact is felt through news accounts of long prison sentences and an occasional execution.

**Punishing Wrongdoing:** The deterrent power of criminal law is tied to the authority it gives the state to sanction or punish offenders. Those who violate criminal law are subject to physical coercion and punishment.

**Creating equity:** Criminals benefit from their misdeeds. People who violate business laws make huge profits from their illegal transactions; the drug dealer accumulates wealth because of his trafficking in illegal substances. Through fines, forfeiture, and other economic sanctions, the criminal law redistributes illegal gains back to society, thereby negating the criminal’s unfair advantage.

**Maintaining social order:** All legal systems are designed to support and maintain the boundaries of the social system they serve. In medieval England, the law protected the feudal system by defining an orderly system of property transfer and ownership. Laws in some socialist nations protect the primacy of the state by strictly curtailing profiteering and individual enterprise. Our own capitalist system is also supported and sustained by criminal law. In a sense, the content of criminal law is more a reflection of the needs of those who control the existing economic and political system than a representation of some idealized moral code.