

SENTENCING
ACCORDING
TO LAW

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INTRODUCTION

Objective and Scope

As a practical matter, the sentencing of those convicted is probably the most important part of the criming process. It is here that the criminal law has the "bite" on the individual. The most important issue on entering the criminal process is what will be their punishment.

Sentencing also presents some of the most complex issues in the operation of the criminal system. The criminal serves a variety of purpose including deterrance, rehabilitation, prevention and perhaps retribution. It is the point of sentencing that these aims must be balanced against one another in reaching a concrete decision as to what should be done with a particular individual. If all of the aims of the criminal law pointed in the same direction, the decision would be easily made. In fact, however, things are not that simple.

In the study, I have proposed to deal with certain aspects of sentencing in Malaysia. Sentencing is a very wide topic and it will be practically impossible to cover almost every aspect of it within the limited length of the study. Much material, information on sentencing in other countries, for example, America and England are available in this country.

In this project paper, I will begin a review of the different kinds of punishment that were meted out from the time of the Malacca Sultanate till the adoption of the Penal Code. A comparison is made with the kinds of punishment that were meted out in England around that time. This will be in the first chapter.

The second chapter deals briefly with the goals of punishment and gives an account of some common offences and how the courts treat these various categories of offence.

The third chapter deals with the various criteria used in assessing sentence in Malaysia.

The fourth chapter deals with the various forms of punishment available in Malaysia.

Finally the fifth chapter concludes the study with some suggestion on the form of punishment.