General Principles of Criminal Law, by Jerome Hall - Digital. 1. General Principles of Criminal Law. Purposes of Punishment. • Retribution – equal harm to offender in society’s name. • Incapacitation – get them out of society!

The principle of criminal law called the double jeopardy rule is that no person should be punished more than once for the same offence and that no person ought to be placed twice in jeopardy (at risk) of being convicted. This means that a person who has been charged, tried and acquitted cannot be charged again for the same matter. However, often a new trial is ordered where for example, an appeal court overturns a conviction or where the first trial resulted in a hung jury or a mistrial. Changes to the Criminal Procedure Act 1921 (SA) (ss 141-148) mean that double jeopardy no longer applies.

Keywords: Directives, Legal principles, Criminal law, Models of justice system, Rules for constructing legal system.

Introduction. The article has three basic goals.

1. At the core of defining criminal law is criminal responsibility and the manner of its identification (essentially included in the so-called general part of criminal laws). Therefore, the rules of criminal law and criminal responsibility will be treated equally. The terms "responsibility" or "outcome responsibility" are used similarly to the quoted meaning in English by H. L. A. Hart in Punishment and Responsibility: Essays in the Philosophy of Law published first in Oxford in 1968. The essential thread underpinning the criminal justice system is that the accused are innocent until proven guilty. This is fundamental to ensure the fair and impartial treatment of a person before the court. Then based on evaluation of the evidence... Criminal liability = mens rea (guilty mind) + actus Reid (the act itself). Those three concepts are the general principles of criminal law.

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