

THE PROBLEM OF PUNITIVE JUSTICE AT ALL COSTS

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Abstract. The issue is a comparative stage in the field of broadly understood criminology. Almost every day this problem hits the author and often stirs up, causing a kind of scientific rebellion over the constant violation of human rights through the abuse of criminal procedures and mass information to the public.

Keywords: costs, anakysis, psychological events, punitive justice

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Introduction

The most important is always a man and his family, not a prosecutor or judge who often abuses the law as if he was "God".

I write this word consciously and I want to deal with it in an open and thoughtful way by publishing the text all over the world.

Everyone, from the beginning of history, is asking: Who is a human really?

The problem of punitive justice at all costs

We are looking for a broadly understood answer, we are looking for definitions in philosophers, we search in the Bible or Honor, but we know one thing is that there is a soul and a body! It is impossible to understand a man without these two elements. This is one thing. Detention or arrest of a man is a serious blow to the fundamental value of liberty, both internal and external. Therefore, an important role in the thinking of every prosecutor or judge should play the so-called "punitive justice."

Such a concept and its precise analysis can not be found in any academic textbook or criminal law commentary. This notion in itself is often opposed by ignorant prosecutors or judges who, without clear evidence, strike consciously in the fundamental value of human life which is freedom in moving and thinking. In this article, I want to take a look at behaviors that consciously destroy the lives, health and career of many people. I am referring to a special example from Poland of Tomasz Komenda, who spent 18 years Illegally in prison for serious allegations, ie rape connected with the death of a young girl. This is a classic example of the so-called for the falsified "image of punitive justice". We can say that 1/4 of this man's life was taken illegally. The worst thing is that those who accused him and then convicted him today say that they would make exactly the same decision. This is an unacceptable ignorance

of the state, which stigmatizes in a way that is ill-conceived and primitive at the same time, but, for example, for the media, still the product for sale and increased viewership. It comes to the situation that the prosecutor has unlimited power. My research shows that, on average, 60% of prosecutors in Europe are moderately intelligent, superficial people, washed out of human feelings and deprived of any broad knowledge of criminology. Recalling the research of the eminent Polish criminologist, prof. Andrzej Bałandynowicz, we can say that we are often dealing with moderately intelligent psychopaths with psychopaths, who have clear problems distinguishing the Problem of imprisonment with other Freedom penal measures. Another eminent scholar claimed well that the law is the result of psychological events. The creator of legal psychology, prof. Leon Petrażycki, also honored posthumously by the President of the Republic of Poland on 11 November 2018 with the highest distinction - the Order of the White Eagle. It is easy to prove the ignorance of these officers, taking into account the upper limit of the penalty for a committed offense. International Criminal Law should be clearly defined. What exactly can be deprived of liberty and what is not! Pay more attention to education in freedom according to the famous maxim: "Christ set us free". The inquisitorial process has been a kind of court trial since the 12th century, and since the 13th century it has been developing both in ecclesiastical law and in secular criminal law (*Galuszka, 2016: 46-47*). From the nineteenth century until today, the courts use a mixed-action, inkwizycyjno-complaint procedure: proceedings are initiated "in the case", evidence is collected, and then the complaint procedure begins (*Galuszka, 2016: 47*).

The prosecutor then had to take into account that he would be detained together with the accused, until the case was resolved. And if he does not prove his guilt, he will have to cover the costs of the trial. When transferring this example to the subject of this work, it should be said that no prosecutor or judge for his mistakes in art bears any internal or external complaints like the one who is unlawfully deprived of liberty and has already been included in the relevant statistics of the prosecutor's office and court, because they are they are very often connected vessels. Word! "ailments" for these "psychopaths" is of no great significance. They consciously push the responsibility to the Court, and the one who has no choice and sees any compensation responsibility of the state returns the matter to the prosecutor's office often very sluggish, not repealing any preventive measures, this is a drama.

Many scholars confirm my thesis that these - psychopaths have full fulfillment when they see "breaking a man" and the best way to finish their lives. This was the case with the already mentioned Tomasz Komenda. I saw with my own eyes how one of the prosecutors was counting on such a solution. What it comes from? From bringing the human individual to the goods and statistics, which you can sell, destroy and end in the public opinion for the reward. There is no control over "intelligent psychopaths" because modern man has been completely washed out of his humanistic features. It is also related to the crisis of the humanities and related education for freedom. Kard well said once. Ratzinger, later Holy Father Benedict XVI, that we are dealing with the "deep laughter of Mephistopheles". Civilization of darkness and death - this is the thinking of the prosecutor's office!

Meanwhile, I am saying this enough and I encourage you to discuss and pay special attention to these people. Before any prosecutor and judge, I will not kneel, because he is not "God." The prosecutor is not "God." The second example is the candidate-socialist for the French president Dominic Strass accused of rape at a hotel maid, as a result acquitted. It was enough that he was a candidate for the president of France with great support at the time. He immediately used it for Sarkozy. The prosecutor's office was the tool for removing it, as is the prosecutor's office. The prosecutor's role is to prosecute criminals, perverts, killers, fraudsters

on 100% evidence, and not to break people's lives unjustly. This is a scandal! The prosecutor and the judge require constant Formation as a priest. Therefore, he should earn himself worthily in order to raise both intellectual and spiritual development. Unfortunately, the truth is different and it results from my comparative research among such communities as: judges, lawyers, prosecutors and prisoners and those who have ever been deprived of liberty. Of course, we must be extremely objective, but the research is shocking for such a way of thinking, often extremely sluggish and unjust, given that life is so short. I have not yet encountered a situation in which preventive measures, in addition to pre-trial detention, are counted towards a subsequent penalty or temporarily repealed. I am struck by another example of Roman Polański. Despite the compensation paid, more than a year of house arrest in Switzerland and, therefore, restriction of freedom, pre-trial detention and associated physical and mental illness, because the prosecution must show to the media - how well it pursues, which is a compromise and a fundamental mistake in the construction of decision-making and thought processes at the same time! The pathology is certainly due to the lack of psychological knowledge and the superficial examination of the collected evidence, often without any source documents, and based only on the wrong testimonies of witnesses in the context of the so-called mining detention.

Huge hypocrisy and Intolerance makes this the basis for Faithful Stigmatization. I am pleased to admit that such a harmful attitude was adopted by the Polish Attorney General Zbigniew Ziobro, who certainly wants good, but is not aware of mistakes when it comes to criminal law in his thought process. There are no rules for alleged innocence and a fair trial for him. He often deals with the media, thus leading to irreversible ailments such as suicide, deprived of liberty or the breakdown of families and subsequent damage resulting from health. Out of 1,000 surveyed people from among the groups mentioned, about which I wrote before, nearly 92% say so and are plunged into fear. This is an override. On the other hand, you also have to admit that Ziobrze is making changes to a series of so-called legally inviolable people. That is why I established Legal Clinics almost 10 years ago, whose task is not only to defend such people against the pathology of the prosecutor's office and other, but solid scientific research aimed at drawing quick attention to this problem, which is visible to the naked eye. The cooperation of a lawyer, psychologist, doctor and often also a priest brought the results of research that I have included in this text. The prosecution's making such an unjust segregation is another abuse on the part of global politics and simply killing people and the consciences of subsequent generations. I have the impression that we do not draw conclusions from the history of criminal law and even do not read, for example, Lombroso - the work "On crimes and punishments". This is a dangerous phenomenon of people's dictatorship, often intellectually limited, lacking the right methods learned and the scope of their application. Not many of them have the right methods to test the credibility of a witness who often lies.

In my earlier articles, I wrote that the phenomenon of intolerance towards convicts and related so-called Luther's democracy is the dream of many people who are hurt. I am calling for a greater distance and real study of this problem. Democracy is not only the majority rule, but also often when recognizing minority rights. The issue is serious and no longer requires scientific research, but their use and strong reaction. It's true: "an inquisitor is also a man" but not at any price. Therefore, this text is just an introduction to the topic, the next will be a thorough analysis of specific examples and this related erroneous decision-making process in prosecuting innocent people. In history, two processes were particularly stuck to me, being a perfect example for the so-called "justice punishing at all costs", namely: Jesus of Nazareth

and Paul of Tarsus. Processes devoid of any logic combined with the abuse of power at any price. The first describes the Gospel of Saint. Jana which is an excellent source. Second, apostle Paul, who came to "Cazarea probably at the beginning of 59" (Steinmann, 1961: 199).

Conclusions and suggestions

Józef Flavius writes that one of them threw stones at each other and there were many wounded and dead on both sides. Already then, the law that is the result of psychological events has an unbelievable impact on human life above all, not recognizing any arguments and facts. The apostle's case was still being referred to another prosecutor. He was accused [Tertullus] of profaning the temple, which was a serious crime for the Romans (Steinmann, 1961: 199). Paweł defended himself very much, but he still could not convince the then-average intellectual psychopaths (Steinmann, 1961: 200). Why, because the accusations were only irrelevant to the desire to liquidate a man at any price. In turn, the new prosecutor immediately after arriving at Caesarea, at the end of 59 years had to become familiar with the accusations. The apostle, of course, stood before the prosecutor with his accusers. He stood on the charge of profaning the temple and violating Jewish law (Steinmann, 1961: 200).

And Festus was the one who wanted to please his subordinates the most. Paweł, realizing that he has only one option, as a Roman citizen, ie an appeal to the Tribunal. He wrote: "I stand in front of Caesar's court, and I must be judged by him, you know very well that I have not committed any crime against Jews, if I committed a crime or anything that deserves to die, I would not refuse to die, but their accusations are worthless, no one has the right to give them to me, I appeal to Caesar! " (Dz.Ap 25, 10-12) In sum. I am writing this text at the University of Saint Jerome Doula in Cameroon and I think that I will start my discussion with a kind of discussion and lead to profound changes in thinking about punitive justice.

References

- Balandynowicz, A. (1996). *Probation.Upbringing to freedom. Grodzisk Mazowiecki: Primus, 100-104. [in Polish].*
- Barber, S. A., Fleming, J. E. (2007). *Costitutional Interpretation: The Basic Questions. New York: Oxford University Press, 5. DOI: 10. 1093/acprof : oso/ 9780195328578.001.0001. [in English].*
- Betza, O. V. (2012). *On the issue of creating a probation service in Ukraine. Problems of Penitentiary Theory and Practice, 7, 34-41. [in Ukrainian].*
- Bogatyryov, I. G. (2007). *Is it necessary to reform the Criminal Execution Inspection into the probation serfvice? Veche, 3- 4, 71-73. [in Ukrainian].*
- European Court of Human Rights, decision no. 33931/06, 3 November, 2009. *Roman Zajdel against Poland. [in English].*
- Gałuszka, T. (2016). *Inkwizytor też człowiek, Intrygujące Karty Kościoła, Poznań: W Drodze. [in Polish].*
- Gandini, L. (2012). *Legal framework, organization and development of the probation service in Italy. Council of Europe: support for prison reform – 9 workshops on conditional sentences. Kyiv, Ukraine. [Electronic resource]. Retrieved from <http://probation.at.ua/index/ital/0-42>. [in Ukrainian].*

On probation: Law on Amendments to Annex 2 to the Statute of the Internal Service of the Armed Forces of Ukraine, No. 2771, 05.05.2015. Verkhovna Rada of Ukraine. [in Ukrainian].

Rawls, J. (1994). Theory of Justice. Panufnik, M., Pasek, J., Romaniuk, A. (Trans.). Warsaw: PWN. [in Polish].

Steinmann, J. (1961). Paweł z Tarsu. Paris: Saint Paul. [in Polish].

The Status and Structure of Crime in Ukraine. (2011). Statistical data of the Department of Information and Analytical Support of the Ministry of Internal Affairs of Ukraine. (Data file). [Electronic resource]. Retrieved from <http://mvs.gov.ua/mvs/control/main/uk>. [in English].

Tkachova, O. V. (2016). Institute for probation in Ukraine: historical experience and current state. Scientific Herald of Kherson State University, 4, 68- 74. [in Ukrainian].

Voltaire. (1956). Treaty on Toleration written on the death of Jan calas. Ryłko, Z. & Sowiński, A. (Trans.). Warsaw: PIW, 32-33. [in Polish].

Yanchuk, O. B. (2015). Adoption of the Law of Ukraine “On Probation” as the first result on the way to implementing the European model of work with offenders: additional. [Electronic resource]. Retrieved from: http://kvs.gov.ua/zmi/KVI_Yanchuk_dopovid_18022015.pdf. [in Ukrainian].