

Methods of Punishment:

To be really effective, punishments must be of two types: one that is reformatory and rehabilitative while the other should be preventative and deterrent orientated.

(i) The first type should be geared towards:

- a) Teaching the deviant person a lesson
- b) Reformation of that person
- c) Re-education of such person to enable him or her to re-enter society as a positive member.

The punishment in this category can range from a simple warning to imprisonment and flogging, but should never include providing all the amenities for a comfortable and happy life, as this can be seen as more a reward than a punishment.

(ii) The second type of punishment should be geared towards:

- a) The prevention and deterrence of criminal behavior and criminal activity.
- b) Providing a disincentive to crime and criminality.
- c) Sending a strong message to the criminally inclined that the society will not tolerate any social deviance that seeks to destroy society itself.

The punishment in this category should be stringent and harsh, and can range from extended periods of incarceration with hard labor or flogging, to the penalty of death by the method so desired by the state.

In this context, Jamaat-ul-Islam makes the following recommendations:-

1. In making the punishment fit the crime, the scope of punishments must be expanded to include:
 - a) Community Service
 - b) Flogging
 - c) Hard labor
 - d) Banishment

2. Establishment of a "prison farm" on one of the family islands in an area that is secluded from the rest of the society.
 - a) This would serve as a detention center for harden criminals and a place of exile.
 - b) Punishments of hard labor can also be carried out at such facility.
 - c) It would also free-up the present facility at Fox Hill to play a more rehabilitative role, since only those with such inclinations would be based there.
 - d) Such a farm would become the back-bone of the feeding program in the prison system and all excess production can be sold to guarantee revenue to help maintain the system.
 - e) Such a facility might have a high initial cost, but if effectively and efficiently run, it would not only pay for itself, but would also go on to relieve some burden of the law-abiding tax-payers.
3. The scope of capital punishment as a deterrent measure, should be expanded to cover other heinous crimes such as: Aggravated Rape, Aggravated or Armed Robbery, Drug Trafficking etc..
 - a) Convicted persons should have their sentences carried out as soon as they have exhausted all their appeals.
 - b) No amnesty nor pardon should be granted to persons so convicted, unless there is some doubt concerning their guilt or other serious mitigating circumstances in favor of such persons,
4. Serious criminals, such as repeat offenders should be confined to the "prison farm" where family visits should be allowed only once per month.
 - a) Denial of family visits should be a normal part of the rehabilitative process.
5. The perpetrators of crime should be made by law to compensate the victims of their crimes, and this process should be automatic and carried out at sentencing.
6. There are certain crimes such as: failure to pay child support, loitering, disorderly conduct etc which do not warrant incarceration unless done repeatedly. The perpetrators of such crimes are but in need of being taught a lesson in social responsibility. It is therefore our recommendation that such persons be confined to community service under the supervision of the prison authority but not incarcerated to further clog-up the prison system.

V. RETALIATION/COMPENSATION

A victim of crime suffers in many ways; materially, physically or mentally, etc. Even though in a civilized society, the society takes the responsibility for vengeance, it does not preclude the individual's right to compensation for that injury. It is only in the interest of social stability that the individual allows the satisfaction of his or her innate desire and need for retaliation to pass on to the society or state. The individual's need for redress arising out of his or her rights of retaliation, however, still remain intact, and can only be justly satisfied by compensation.

In our Bahamian judicial system, the victim's right to compensation, should be made an automatic right, and the Magistrate or judge presiding in the matter should be given the authority to determine the degree or amount of compensation to be imposed at the time of sentencing of the perpetrator for the crime. It is not justified that the victim of crime, in order that he or she be compensated for their injury and loss, that they should have to engage in a lengthy and expensive judicial process to bring suit against the perpetrator, even with the possibility of losing in that process. Such a situation amounts to a denial of that person's right to compensation for injury received.

The other aspect to this question of retaliation, is the fact that the criminal makes restitution to the society by undergoing some form of punishment. This is expected to make him or her more responsible and have greater respect for society. However, in the case where no compensation to the victim is required, the criminal does not see or feel the need or urge to make restitution to such victim of his atrocities and this further diminishes his or her respect for the rights of others.

It is further our petition that not only should compensation be exacted from the perpetrators, but that all persons who harbour such perpetrators of crime or benefit in anyway from the illegal activity of the criminal, should also be made to share in the payment of such compensation, be it family member, friend or neighbor. Such a law is necessary because it sends a clear message to all and sundry, that the harbouring of criminals and the support of, or benefit from criminal activity, will not be tolerated by society.

The maxim "Crime does not pay" must be driven home forcefully to all members of society. The requirement of having to make restitution to the society, by having to pay compensation, not only acts as a disincentive to crime, but it also says to the victim; we the society care, and we are prepared to defend and protect your rights, come what may.

As such, it serves as a positive re-enforcement to the individual member of society and also his or her family and friends, and leads to a greater sense of social commitment and solidarity.

A practical example of such principle in action is as follows: In a simple case of larceny, the society might impose a sentence, a fine or both on the perpetrator. Such punishment, while satisfying the rights of society, does not address the injury or loss of the victims. It is therefore more justified that in addition to whatever punishment imposed by society, the perpetrator should be made to pay the cost of what was stolen in addition to compensating the victim for the loss or injury caused.

VI. THE SOCIAL ELEMENT

The social element in the whole spectra of crime in this country cannot be ignored if we are to arrive at a realistic appreciation of the situation or come up with pragmatic solutions to the issues which face us. The causes of crime and criminal behavior are social, mental, moral and spiritual, but unless we are prepared to look at this matter of crime holistically, we will only arrive at partial solutions to this terror of crime that is menacing our society.

Some of the social issues for consideration are:-

1. The constant drain of the population of the rural areas into the urban centers, particularly Nassau, has created a serious problem of demographic disproportion and imbalance. The results are: Overcrowding, break-up of family life, unemployment, delinquency, creation of ghettos, gang formation etc.
2. The drastic shift from the traditional system of the two parent family to one of the single parent family and from the extended family to the nuclear family structures. This has resulted in: the lost of family values, poor parenting, child abuse and neglect, dysfunctional youth, contempt for figures of authority, etc.
3. There has been a steady growth of materialism and consumerism that threatens to paralyse our traditional way of life with its value system.
4. A break-down in our value system has resulted in indiscipline at all levels of our social structure. This has affected education, work ethic, social conduct, respect or concern for others, etc.

5. The serious imbalance in the distribution of the economic resources of our country has resulted in much dissatisfaction, dislocation, greed and poverty.
6. The illegal immigrant problem has further strained our limited social and economic resources.

It is therefore the recommendation of Jamaat-ul-Islam, that concrete steps must be taken in these areas if any significant change in the situation of crime is to come about.

In this context, we, of Jamaat-ul-Islam recommend the following:-

1. More job creation within the Family Islands.
2. The speeding up and enhancement of the process of local government.
3. A land reform program to provide lands for the poor, deprived and landless.
4. To increase emphasis on local farming with incentives, by providing all the necessary logistical support for such ventures.
5. To encourage the establishment of light industries in the family Islands. An important area is food-processing.
6. The teaching and training in agriculture needs to play a more prominent role in the educational system.
7. To seek international assistance for financing the development of small business and cottage industries.
8. To limit the monopolistic expansion and control of large companies such as Solomon's, Kelly's, City Meat Market, etc. from devouring the entire society.
9. There is an acute need to establish recreation parks, community Centers, etc in the various communities, especially in the " over-the-hill" areas.
10. The restructuring and reorganization of the Boys and Girls Industrial Schools to make them more effective.
11. To expand and develop the Industrial training School into a full fledged polytechnic.
12. To re-introduce corporal punishment into the disciplinary system of the public schools.

VII. CONCLUSION

In conclusion, we would like to state that the family unit, which is the cradle of human society, has been neglected in our society for far too long. We do commend the establishment of the "National Co-ordinating Committee for the International Year of the Family", headed by the Honorable Prime Minister's wife, Mrs. Delores Ingraham.

However, while such a committee only came into being in response to the United Nation's resolution 44/83 declaring 1994 as the "International Year of the family", the establishment of a national body that would focus on the development, maintenance and protection of the family and family life, to operate on a permanent basis, would go a long way to under-scoring our society's commitment to family values, and the safe-guarding of the family.

The family in 1994 is no less vulnerable than it will be in 2094, and it's needs for nurturing and safeguarding is, and will be the same. The establishment then, of a permanent "National Family Life Council", would be a positive step in the right direction. If today we have a poor quality of citizenry, it is only because we have a poor quality of family institution, because the men and women of today and tomorrow, are but products of the family institution.

The Muslim Community represented by the Jamaat-ul-Islam, hopes that this document with its recommendations, would be taken in the spirit in which it is presented. It is our belief, that if some of these proposals could be seriously considered with the view to implementation, that they would go a long way in helping to alleviate some of the crises now facing our society. The Muslim Community, therefore, stands ready to be called upon to play its role in the rescuing of our beloved society from the hands of crime, greed, despondency and decay.

VIII. EXECUTIVE MEMBERS

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