

CHAPTER I

INTRODUCTION

A. Background of the study

The US has a decentralised system for law enforcement. This system has extraordinary challenges in spreading information adequately across the jurisdictional perimeter, yet this system is an opportunity at the same time (Carter et al., 2014). Federal authorities deal with crimes of federal law that come under their particular jurisdiction. The United States has multiple criminal justice systems. Various governments may conduct criminal investigations differently; however, court rulings supported by American due process protections will always be feasible. According to the Constitution, certain measures must be adopted in the administration of criminal justice in order to protect the person from excessive state attacks. The federal and state levels of the American judicial system are hierarchical. The United States Supreme Court is the highest court in the country and the only court mandated by the Constitution to render final decisions. A prosecutor will decide whether formal charges will be brought in court after receiving information from law enforcement authorities regarding the case and defendant right after an arrest. The defendant must be released if no charges are brought against him or her. After putting all their work into the case, prosecutors may also decide to abandon the defendant is given information about the charges, advised of

their rights as a criminal defendant, and requested to enter a defence during the arraignment hearing the accusations. The defendant is set for trial once it is decided to file charges.

Every law enforcement organisation has written records of the procedures it follows. (DeMarco, 2020). During law enforcement interactions or law enforcement activities, all law enforcement personnel must uphold and respect everyone's constitutional rights. Biased policy harms the relationship between law enforcement and the communities they have vowed to protect and serve. It also has risks of crime victims that may become reluctant to report infractions. Police that are fair and unbiased ensure that everyone in society is protected equally. It ascertains the society that each individual will not be the target of arbitrary law regardless of race, ethnicity, background, age, gender, sexual orientation, religion, economic status, cultural group, and more. (Sununu, 2020). In general, sovereign citizens do not acknowledge the laws, rules, or ordinances of the federal, state, or local authorities because they feel that these entities operate outside of their area of authority. Sovereign citizens involve a variety of strategies to harass, intimidate, and psychologically threaten organisations and people that get in the way of their criminal activities. Sovereign citizens may believe that law enforcement or government officials are acting unlawfully if they attempt to bring criminal or civil legal action against sovereign citizens (Domestic Terrorism Operations Unit II, 2010).

Criminal law intends to enforce the criminal justice system. The law consists of rules that define acts that lead to an arrest, prosecution, and imprisonment. Federal has rules of criminal procedure. These regulations set down how all criminal cases are handled in district courts, courts of appeals, and the Supreme Court of the United States. If a rule states so, then it applies to proceedings before state or local court officials. These rules shall be interpreted to provide for a fair determination in any criminal proceeding, to ensure simplicity in procedure and fairness in administration, and to eliminate unjustified expense and delay. Rule number 7 in the Federal Rules of Criminal Procedure states that if a crime is punishable, other than criminal disdain, it must be charged through an accusation by death or imprisonment for more than a year (Nadler, 2021).

Capital punishment is another name for the death penalty or death sentence, it is a legal punishment issued by the government officially. Criminals have been executed by lethal injection, electrocution, hanging, shooting, and poisoning in the United States (Constitutional Rights Foundation, 2012). Capital punishment refers to the procedure of issuing a death sentence on those found guilty of the most serious crimes and implementing that sentence. The U.S. Congress or a state legislature has established by law the specific crimes and conditions that determine whether a crime is eligible for the death penalty (Snell, 2023).

A few months after the criminal is found guilty, they return to court to receive their sentence. Several sources provide the court with advice

and support when it comes to sentencing a criminal. The judge draws his or her sentencing on the minimum and maximum penalties set by Congress for a variety of crimes. The United States Sentencing Commission produced a set of sentencing guidelines that prescribe specific sentences for specific offences while taking into account many criteria. In addition, the court will review a presentence report and take into consideration the victim's, defendants', and attorneys' comments. The judge may consider numerous different kinds of circumstances including the nature of the violation itself, whether the defendant has expressed regret of their act, and has the defendant committed the same offence before (Offices of the United States Attorneys).

The number of death sentences conducted in the United States during 2003 was 3,374 prisoners in total. The first place was California with 629 criminals and then followed by Texas with 453 people, Florida with 364 people, and Pennsylvania with 230 people. In Texas itself, the method of execution was by using lethal injection (Bonczar & Snell, 2003). The federal government and the United States military used the lethal injection method to execute criminals who were convicted of a death sentence. The Attorney General's Preview Committee on Capital Cases decided to investigate the death penalty, and the Attorney General approved the decision after recommendations from the DOJ's Capital Case Section (Sacco, 2020).

The death penalty remains implemented for several reasons. Americans mostly cite the biblical phrase “eye for an eye” (Swift, 2014). Capital punishment deters potential homicides. Potential killers will hesitate to kill if they know they could end up dead themselves if murderers receive the death penalty. When someone takes a life, the balance of justice should be upheld. By taking the life of the murderer, balance will be restored and society will be able to show with confidence that murder is an unacceptable crime and will be punished accordingly Ernest van den Haag, based on the paper of Michigan State University stated that Threats and penalties are required to deter and this is a solid realistic reason. Retribution is an independent moral defence (Michigan State University and Death Penalty Information Center, 2000).

Taking the data from the Death Penalty Information Center in the U.S., there are examples of criminals who have been punished by death penalties as follows. Gregory Lynn Summers was a white man who was executed on 25 October 2006. He hired a man for the murder of three of his family members. He and the shooter he contracted were given death sentences. Robert Thompson, Texas, who was Black executed on 19 November 2009 on charges of robbery of a convenience store. Thompson and Butler were given a life sentence after breaking into a convenience store in Houston, shooting one clerk, and killing another. The Texas Board of Pardon and Paroles suggested clemency for Thompson, but it was rejected by Texas Governor Rick Perry. The next case was Joseph Garcia,

Texas, born as Latino executed on 4 December 2018. Garcia, one of the "Texas 7," broke out of a Texas prison. Officer Aubrey Hawkins of the police stopped them after they had robbed a store. During a gun battle, Hawkins was killed; Garcia was found guilty and given the death penalty (Death Penalty Information Center).

It is to be known that not all crimes deserve the death penalty. The only crimes in Texas that can result in the death penalty are premeditated murder. Section 19.03 of the Texas Penal Code defines capital murder as any offence that includes: the assassination of a firefighter or police officer while they were serving their country. Purposefully taking a life while committing another crime, like abduction, break-in, severe sexual assault, killing for profit, or murder that occurs while escaping arrest. Any murder committed by a person serving a life sentence, the killing of a minor, under the age of fifteen, assassinating a judge in retaliation, several murders in one act or a series of connected crimes. Anyone accused of a capital offence should get legal counsel from an expert attorney. Apart from being aware of the crimes that are punishable by death, a lawyer can guarantee that the prosecution presents all necessary evidence for each element of the crime. Having legal counsel can ensure you receive the finest negotiation possible if a plea deal is needed. (Houston Criminal Defense Lawyer).

The data presented by the Death Penalty Information Center, Washington DC, exposed that the majority of voters would decide to oppose the death sentence as a form of punishment for murder. There was

a poll collected that found that police chiefs tend to use the death penalty as the latest way to reduce crime. They also stated that the death penalty is the least effective way to spend taxpayers' money (Death Penalty Information Center, 2016). The fact that direct democracy has convinced countries to keep the death penalty but not to use; it shows that the mainly symbolic death sentence is enough to satisfy a punitive public (Caron, 2020).

This research was conducted to analyse the actions of the main character so that he received the punishment and the behaviour of the crime dealing with the problems in the film titled *The Life of David Gale*. As required by the American Studies course, this research is interdisciplinary and involves two scientific areas. The researcher analyses the deontology of ethics and psychology views. This film shows that any wrongdoing deserves sanctions, but the criminal is still allowed to defend himself. It implies respect for an individual's autonomy. Furthermore, the main character struggles with every possibility to get his life back by dealing with the stress and cope the situation.

B. Problem Formulation

In this research, the writer focuses on analysing capital punishment as portrayed in the film *The Life of David Gale* for the undergraduate thesis which includes:

1. How does the retributive theory of justice address punishment dropped on the main character?

2. How does the main character react to the problem that occurred as portrayed in the film *The Life of David Gale*?

C. Objectives of the study

The objectives of this thesis are:

1. To explore how retributive theory sees punishment dropped on the main character.
2. To analyse the behaviour of the main character towards the problem that occurred as portrayed in the film *The Life of David Gale*.

D. Review of related studies

The writers have conducted a review of related previous research about capital punishment in the United States; however, since the United States is federal which means every state has different laws, therefore the writers found some differences in related studies. The writer took several previous researches as a comparison of this research from several sources such as journals, articles, theses, papers, books, and the internet.

The first previous research is from a paper written by Moh. Bisri, Putri Arum Ayu Iriany Karsiyanto, Afifah Chusna Az Zahra, and Tutut Chusniyah (2021) with the title “*Emotion-Focused Coping Strategies As Predictors of New Inmates’ Adjustment in the Pandemic Era*” published by KnE Social Sciences. The authors used data to figure out the emotion-focused coping techniques that recently arrived prisoners at Malang City's Class IIA Women's Penitentiary were employing, to recognize the

example of the adjustment of a new prisoner, and to figure out whether the adjustment of newly released prisoners is predicted by emotion-focused treatment. According to the study's findings, emotion-focused coping has an 18.1% role in the development of self-adjustment.. Inmates' ability to adjust to the correctional situation can be developed through the use of emotion-focused treatment. Effective emotion-focused therapy can also boost an inmate's dignity and capacity for future problem-solving. This research article helps the researcher to identify how to analyse similar case, in this case, David Gale problem, and how vary the effectiveness of mentioned coping strategy.

The next is a journal by Tajul Arifin (2011) with the title “*The Application of Capital Punishment: An Analysis of Social Impact in Saudi Arabia and the United States*”. This journal has been successfully published by Universitas Islam Negeri Sunan Gunung Djati, Bandung. The author applied social science theory to identify the social impact of the death penalty. He also used the holy Qur’an verses and Sharia law to strengthen his theory. This journal compares the application of capital punishment in Saudi Arabia and the United States and evaluates, using some statistical information, the deterrent impact of the death penalty on crime in several different nations. This journal concluded that the application of law affects the crime level. The Sharia criminal law (Islamic criminal law) in Saudi Arabia lessens the rate of crime, while other countries that apply social contracts between the ruler and the ruled have a

high rate of crime. This study provides to the writer that the application of criminal law and the death sentence affects the rate of crime and determines whether the perpetrator deserves it or not.

The third is an article written by David T. Johnson (2019) titled “*A Factful Perspective on Capital Punishment*”. This article has been published by Oxford Academic in the Journal of Human Rights Practice. The author showed data and used descriptive methods to support his argument and opinion against the death penalty. The author said that capital punishment should be erased because it is contrary to human rights. This one was different from the other references because it is against capital punishment instead of supporting it.. This article helps the writer to understand and examine the opposite view of the law.

The following study is an article from Cochran, J. K., Marier, C. J., Jennings, W. G., Smith, M. D., Bjerregaard, B., & Fogel, S. J (2017) titled “*Rape, Race, and Capital Punishment. Race and Justice*”. This article was published in Sagepub Journals. The author used historical analysis by analysing the joint impacts of the offender's race and rape/sexual assault on the results of death punishment in capital murder trials involving White female victims, this study explores the extent to which this cultural legacy has persisted into the present. This study found that they support in favour of the survival of this tradition of deadly retribution. This study assists the writer in discussing further the concept of retribution for the perpetrator. .

The other study comes from Bruce E. Altschuler (2021) with the title “*The Changing Face of Capital Punishment Films: Just Mercy and Clemency*”. This journal was published online in the Journal of Popular Film and Television. This journal uses a comparative study to investigate the death penalty based on the racism side. It identifies that *Just Mercy* and *Clemency*, two film from 2019, represent a big shift. Both the main characters and the accused in both films are African Americans. It concludes that it contends that the death penalty is unfair not just because it executes innocent people but also because it is ultimately discriminatory to defendants who have committed the crimes for which they are being tried, like Richardson in the film. This journal helps the writer to focus on the unfairness of the death penalty which is in the same line with the writer’s film to analyse the punishment that should be considered in advance to prove the doer is proven guilty or not.

Lastly, there is an journal by Elijah Tukwariba Yin, Francis Kofi Korankye-Sakyi & Peter Atudiwe Atupare (2021) with the title “*Prisoners’ Access to Justice: Family Support, Prison Legal Education, and Court Proceedings*”. It was published online in the Journal of Politics and Law. This journal used mixed-method approach to gather the data. One of the results that are relevant is that the majority of inmates did not receive family assistance at pre-sentence hearings. This helped the researcher strengthen the fact that in the film *The Life of David Gale* has

similar situation when he did not have family support before and during his sentence.

According to the research that has been conducted above, it can be seen that the death penalty has pros and cons, some support some do not. Yet, previously mentioned research had not analysed the combination of two views; deontology of ethics and psychology. This study implements, as the product of American Study, an interdisciplinary study which means that it will focus on two disciplines. This research aims to analyse the justification of the punishment dropped on the main character and how the main character cope to the problem he faced as portrayed in the film *The Life of David Gale*. This research used the theory of retribution theory of justice in a deontology ethics perspective, and the transactional theory of stress and coping (TTSC) in psychology view.

E. Methods of research

This research was designed as qualitative. Yin, in his book, wrote that qualitative research allows for simple, general and in-depth research on various topics. Qualitative research has five features:

1. Finding the purpose of people's lives concerning their position in society;
2. Representing people's views and perspectives in research;
3. Recognising and analysing interpretation in the real world clearly;
4. Provides insight into new and general ideas that can be used to understand social behaviour and thought processes;

5. Recognising the potential value of multiple sources of information rather than relying on just one source.

Qualitative research mostly involves the study of the meaning of people's lives as happened in the real world. The data can be obtained through diaries, journals, recordings, writings, photographs, etc. (Yin, 2016).

Qualitative research is a method for examining and understanding the meaning of individual or group problems. The research involves coming up with questions and techniques, the data go from specific to broad themes, and the researcher interprets the data. The researcher focuses on personal meaning and discloses the complexity of the situation (Creswell, 2018).

The main data collected in this study was from a film titled "The Life of David Gale", while the secondary data were gathered from journals, research proposals, and articles that have been published within the last 10 years.

1. Data and Source of Data

Data collection is the process of obtaining information that helps to solve the research questions. Data collection aims to gain reliable proof, which enables comprehensive data analysis and the development of credible and convincing solutions to the issues that have been presented (Kabir, 2018). There are two kinds of data, primary and secondary data. Primary data consists of surveys,

observations, experiments, questionnaires, interviews, etc. Meanwhile, secondary data contains journals, websites, books, articles, records, publications, etc. (Ajayi, 2017). Primary data was gained through observation of the film “The Life of David Gale” and its subtitles, while secondary data was obtained from journals, websites, articles, and previous theses. As the references stated, the data source was from the film “The Life of David Gale”.

2. Data Collecting Technique

The procedures for gathering data involve defining the scope of the research through getting and sampling, gathering data using organised or unorganised observations and interviews, documents, and visual sources, and creating a methodology for recording information (Creswell, 2018). The researcher utilised data collection techniques comprising observations, private document reviews, and audio-visual materials. The flow of collecting data included:

- a) Discover the film scenes and dialogues of the film.
- b) Understanding the film scenes and dialogues of the film.
- c) Discover all of the scripts containing the portrayal of punishment and character behaviour.
- d) Collecting all the information gained regarding the portrayal of punishment and character behaviour.

3. Data Analysing Technique

After all of the data were collected, the researcher analysed them in detail. These were the steps involved in analysing data.

a) Identifying by watching the film and reading the dialogues to find the portrayal of punishment and character behaviour in the film.

b) Analysing the scenes and scripts

Interpreting the data obtained that consists of the particular scenes, script, and dialogues.

c) Concluding the collected information

The last step is to wrap up the gained information to figure out the research questions' answers based on the analysed data.

F. Presentation

There are four chapters in this undergraduate thesis. The first chapter includes a background of choosing the subject, problem formulation, objectives of the study, review of related studies, methods of research, data and source of data, data collecting technique, and data analysing technique. In chapter two, there are theoretical approaches and theoretical frameworks. Chapter three consists of results and discussion. Chapter four includes a conclusion, suggestions and further research.