

# The Factors of Certainty, Severity and Celerity Influence on General Prohibition of Imprisonment: The Case of Mongolia

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## Abstract

*Our study examines the influence of the key elements of deterrence theory—certainty, severity, and celerity of punishment—on the general prohibition of imprisonment in Mongolia. Using a quantitative research approach, the study evaluates how these factors contribute to the deterrent function of criminal sanctions within the Mongolian criminal justice system. The findings indicate that the measurement model demonstrates acceptable reliability and construct validity, with most factor loading exceeding 0.6. The constructs of certainty, severity, and celerity show strong reliability and satisfactory convergent validity, confirming their suitability for measuring the main dimensions of deterrence theory. Among these constructs, severity shows the strongest measurement quality, followed by celerity and certainty, while the general prohibition of imprisonment construct shows relatively weaker convergent validity.*

*The path analysis results reveal that certainty and severity of punishment have statistically significant positive effects on the general prohibition of imprisonment, whereas celerity does not demonstrate a significant influence. These findings suggest that the likelihood of punishment and the perceived seriousness of sanctions play a more influential role in deterrence than the speed with which punishment is imposed.*

*Our study provides partial empirical support for classical deterrence theory within the Mongolian context and highlights the importance of strengthening the certainty and proportional severity of punishment in order to enhance the deterrent effect of criminal sanctions and contribute to crime prevention.*

**Keywords:** Certainty, Severity, Celerity, General Prohibition of Imprisonment

## 1. Introduction

The general prohibition of imprisonment is a principle in modern criminal justice that emphasizes that deprivation of liberty should not be the primary or automatic response to criminal conduct. Instead, imprisonment should be used only when it is necessary, proportionate, and justified by legitimate legal purposes.

The concept reflects the idea that personal liberty is a fundamental human right, and therefore the state must exercise caution when imposing custodial punishment. In many legal systems and

international human rights standards, imprisonment is considered a last resort measure, particularly for minor offenses or non-violent crimes.

The theoretical basis of this principle is rooted in human rights law, proportionality doctrine, modern penology, and restorative justice approaches, which aim to minimize excessive use of incarceration and promote alternative sanctions.

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## 2. Literature review and Theoretical Framework

In the position of deterrence theory in the classical school of criminology, the deterrence theory holds that if punishment is certain, severe it can effectively prevent crime. However, empirical research has shown that the severity of punishment rarely has a significant deterrent effect on criminal behavior. For instance, the risk of receiving the death penalty and the certainty of its application have not been found to reduce homicide rates [1].

The classical school of criminology is grounded in philosophical reasoning and theoretical thought. Rather than narrowly explaining the causes of crime solely in relation to individual behavior or socio-economic conditions, it places greater emphasis on legal reform and the institutional system for combating crime. For this reason, it encompasses a broader scope than many other criminological theories [2].

The methodology and proposals of this theory are largely based on logical reasoning, the inherent nature of human beings, and the legal norms designed to regulate human behavior.

The conceptual views of criminal law and punishment within classical criminological theory differ from other theories in that they are based on the following logical reasoning. Although many studies have identified a relationship between illegal behavior and individuals' perceptions of punishment, this relationship has generally been very weak [3].

Several criminological and legal theories support the general prohibition of imprisonment.

**Liberal legal theory:** Liberal legal theory emphasizes individual rights and limited state power. According to this perspective, the state must justify any restriction on personal freedom. Imprisonment, as the most severe form of punishment short of capital punishment, must therefore be strictly controlled. Thinkers such as John Rawls emphasize fairness and justice in punishment, arguing that state coercion must respect principles of equality and proportionality [4].

**Principle of proportionality:** The principle of proportionality is a fundamental doctrine in constitutional and criminal law. It requires that punishment must be proportionate to the seriousness of the offense and necessary to achieve legitimate objectives such as public safety or deterrence [5].

**Restorative Justice Theory:** Restorative justice proposes that criminal justice should focus on repairing harm rather than imposing punitive sanctions. Instead of incarceration, restorative justice encourages: mediation between offender and victim, community service, restitution and reconciliation processes. The theory argues that social reintegration and conflict resolution are more effective than incarceration in many cases [6].

**Utilitarian penal theory:** Utilitarian theorists such as Jeremy Bentham argue that punishment should be used only when it produces more benefits than harm. Since imprisonment can cause serious social and economic costs, it should only be applied when it clearly contributes to public safety [7].

The effectiveness of deterrence theory and its role in crime prevention are commonly explained through three key elements: certainty, severity, and celerity of punishment. **Certainty** refers to the likelihood that a person who commits a crime will actually be detected and punished. **Severity** concerns the degree or harshness of the punishment imposed for the offense. **Celerity** means the swiftness or promptness with which punishment follows the commission of a crime.

These three principles—certainty, severity, and celerity—are widely regarded as the main criteria for evaluating the effectiveness of deterrence theory in preventing criminal behavior [8].

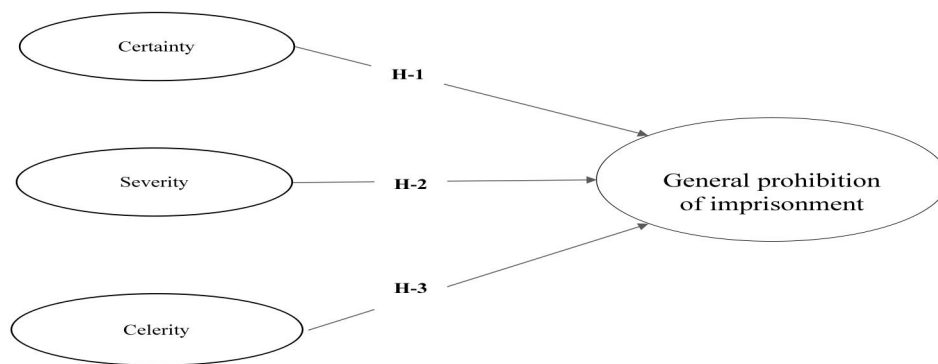
The Deterrence Theory, which is based on the teachings of the classical criminologists of the eighteenth century, Cesare Beccaria and Jeremy Bentham, has been reflected in the works of Mongolian criminological scholars in the following ways:

Dr. (Ph.D.) D. Zumberellkham, in the book “Criminological Theory” (2022), refers to this concept as the “Free Will Theory.” In this work, crime is explained as the result of an individual’s conscious and rational choice. The author emphasizes that, in preventing crime, the principles of certainty, promptness, and proportionality of punishment play a crucial role.

Dr. (Ph.D.) B. Munkh-Erdene, in the book “Theory of Criminology” (2021), discusses the “Rational Choice Theory.” He notes that in modern philosophy there are two main theories that justify punishment. The first argues that punishment should correspond to the harm caused and often reflects a retributive approach. The second maintains that the purpose of punishment is to increase the overall level of happiness in society. According to Beccaria, punishment aims to reform offenders, prevent recidivism, and protect the interests and rights of others.

Dr. (Ph.D.) E. Dashgaadan, in the book “Criminological Theories” (2022), refers to this concept as the “Deterrence (Consciousness) Theory.” He explains that crime and violations are the result of rational choice, and that deterrence becomes effective only when several factors operate together as a unified system, including the certainty of punishment, proportional severity, and swift enforcement.

We hypothesed for supporting and agreed three principles—certainty, severity, and celerity on general prohibition of imprisonment as below:



Source: Own diagram

**Figure 01:** The factors on general prohibition of imprisonment

### 3. The Analysis of our Study

Research methodology is a fundamental component of any academic study because it provides a systematic framework that guides the entire research process. It explains the methods, techniques, and procedures that researchers employ to collect, analyze, and interpret data in order to answer research questions or test hypotheses. A well-designed methodology ensures that the research is valid, reliable, and logically structured, enabling other scholars to understand and replicate the study if necessary. In addition, the methodology clarifies how the research objectives are achieved and how evidence is gathered to support the study's conclusions.

In social sciences and legal studies, research methodology plays an especially important role because many research questions involve complex social, institutional, and legal phenomena that require careful interpretation. Methodological transparency allows researchers to demonstrate that their findings are grounded in credible and systematic inquiry rather than personal assumptions. A Likert scale was used in our study to measure respondents'

attitudes and perceptions. The Likert scale is a widely used survey measurement tool in social science research that allows participants to express the degree of their agreement or disagreement with a given statement.

In our study, a five-point Likert scale (1–5) was applied. Each numerical value represents a different level of response intensity. Typically, the scale is interpreted as follows: 1 – Strongly disagree, 2 – Disagree, 3 – Neutral / Neither agree nor disagree, 4 – Agree and 5 – Strongly agree.

In collecting data, a methodology combining primary and secondary sources was employed. Primary data was collected through questionnaire surveys, semi-structured interviews, and, when necessary, document analysis.

The questionnaire survey was based on standardized indicators and criteria designed to measure the variables, which enabled the systematic processing of quantitative data and the application of statistical analysis.

codes	Items	Cronbach's alpha	Rho	Composite Reliability	Average Variance Extracted
Cer 1	0.732	0.810	0.828	0.867	0.569
Cer 2	0.778				
Cer 3	0.789				
Cer 4	0.626				
Cer 5	0.828				
Sev 1	0.820	0.865	0.875	0.905	0.659
Sev 2	0.889				
Sev 3	0.810				
Sev 4	0.892				
Sev 5	0.619				
Cel 1	0.733	0.822	0.913	0.875	0.598
Cel 2	0.854				
Cel 3	0.897				

Cel 4	<b>0.870</b>				
Cel 5	<b>0.404</b>				
GEN-1	<b>0.568</b>	<b>0.755</b>	<b>0.772</b>	<b>0.828</b>	<b>0.446</b>
GEN-2	<b>0.734</b>				
GEN-3	<b>0.684</b>				
GEN-4	<b>0.649</b>				
GEN-5	<b>0.696</b>				
GEN-6	<b>0.665</b>				
<i>Noted by: The result of our study</i>					

**Table 01: The outer loadings and construct reliability and validity**

The results of the item analysis show that most of the indicators demonstrate moderate to high factor loadings, indicating that the survey items are generally reliable and appropriately measure the constructs related to deterrence theory, punishment perception, and crime prevention.

First, the items measuring clarity and understanding of criminal liability show relatively strong values. For example, the statement “The length of imprisonment is proportionate to the crime committed and the harm caused by the offender” has a loading of 0.828, while “I have a good understanding of the types of crimes for which imprisonment is imposed under the Criminal Code of Mongolia” (0.778) and “I am well aware of the length of imprisonment that may be imposed on a person who commits a crime” (0.789) also demonstrate strong relationships. These results indicate that respondents generally perceive the criminal justice system and punishment provisions as relatively clear and understandable.

Second, items related to the severity of punishment (severity) also show high values. Statements such as “By imposing longer prison sentences, the crime rate in society decreases and justice is upheld” (0.892), “Imposing longer prison sentences is very important for alleviating the emotional harm of the victim” (0.889), and “Imposing longer terms of imprisonment is effective in preventing crime” (0.82) suggest that respondents tend to believe that more severe punishment can contribute to crime prevention and justice.

Third, indicators related to the certainty and celerity of punishment show particularly strong results. For instance, “The certainty and swiftness of imprisonment are effective in preventing crime” has the highest loading (0.897), while “The certainty and prompt imposition of imprisonment are important for the rehabilitation of offenders” (0.87) and “Law enforcement authorities identify offenders and impose punishment promptly” (0.854) also demonstrate strong relationships. These findings suggest that respondents strongly associate certainty and promptness of punishment with effective crime deterrence, which is consistent with the classical deterrence theory emphasizing certainty, severity, and celerity.

However, several items show relatively lower values. For example, “Repeatedly postponing criminal case hearings reduces the

effectiveness of punishment” has the lowest loading (0.404), while “I am aware of the legal liability imposed on individuals who commit crimes” (0.568) and “Rather than necessarily imposing long prison terms, it is more effective for punishment to be proportionate” (0.619) also display moderate or weak relationships. These results may indicate that respondents’ perceptions regarding procedural delays and proportional punishment are less consistent.

The reliability and validity of the four factors—certainty, severity, celerity, and general prohibition of imprisonment—were assessed using Cronbach’s alpha, Rho ( $\rho_A$ ), Composite Reliability (CR), and Average Variance Extracted (AVE). These indicators are commonly used in structural equation modeling to evaluate the internal consistency and convergent validity of measurement constructs.

The certainty factor shows good reliability and acceptable convergent validity. Cronbach’s alpha value is 0.810, which exceeds the recommended threshold of 0.70, indicating satisfactory internal consistency. The Rho value (0.828) and Composite Reliability (0.867) further confirm the reliability of the construct. The AVE value of 0.569 is above the recommended minimum of 0.50, demonstrating that the indicators adequately explain the variance of the certainty.

The severity factor demonstrates the strongest reliability and convergent validity among the constructs. The Cronbach’s alpha value (0.865), Rho (0.875), and Composite Reliability (0.905) all exceed the recommended thresholds, indicating very strong internal consistency. Additionally, the AVE value of 0.659 is the highest among the four constructs, suggesting that the indicators explain a large proportion of the variance in the severity construct.

The celerity factor also demonstrates strong reliability and validity. The Cronbach’s alpha value (0.822) and Composite Reliability (0.875) exceed the acceptable threshold. The Rho value (0.913) is particularly high, indicating very strong reliability of the measurement model. The AVE value of 0.598 is also above the minimum requirement, confirming that satisfactory convergent validity.

The general prohibition of imprisonment factor shows relatively lower values compared with the other constructs. Although the Cronbach's alpha (0.755), Rho (0.772), and Composite Reliability (0.828) are above the recommended threshold of 0.70, indicating acceptable internal consistency, the AVE value (0.446) is below the recommended minimum of 0.50. This suggests that the convergent validity is relatively weak, and the indicators may not fully capture the underlying concept.

We concluded that many of the items show acceptable or strong factor loadings (generally above 0.6), indicating that the measurement model demonstrates adequate reliability and construct validity. The findings also suggest that respondents tend to perceive certainty and promptness of punishment as the most influential factors in crime deterrence, followed by severity and

clarity of criminal liability. This pattern aligns with the theoretical framework of deterrence theory, which emphasizes the importance of certainty, severity, and celerity of punishment in preventing criminal behavior.

The results indicate that the constructs certainty, severity, and celerity demonstrate strong reliability and satisfactory convergent validity, which supports their suitability for measuring the main dimensions of deterrence theory. Among these constructs, severity shows the strongest measurement quality, followed by celerity and certainty. In contrast, the general prohibition of imprisonment construct shows comparatively weaker convergent validity due to its lower AVE value, suggesting that further refinement of its measurement indicators may be necessary in future research.

Factors	Celerity	Certainty	General prohibition of imprisonment	Severity
Celerity	0.773			
Certainty	0.348	0.754		
General prohibition of imprisonment	0.485	0.480	0.668	
Severity	0.775	0.233	0.508	0.812

*Noted by: The result of our study*

**Table 02: Discriminant validity**

The results of the item analysis show that most of the indicators demonstrate moderate to high factor loadings, indicating that the survey items are generally reliable and appropriately measure the constructs related to deterrence theory, punishment perception, and crime prevention.

The items measuring clarity and understanding of criminal liability show relatively strong values. For example, the statement "The length of imprisonment is proportionate to the crime committed and the harm caused by the offender" has a loading of 0.828, while "I have a good understanding of the types of crimes for which imprisonment is imposed under the Criminal Code of Mongolia" (0.778) and "I am well aware of the length of imprisonment that may be imposed on a person who commits a crime" (0.789) also demonstrate strong relationships. These results indicate that respondents generally perceive the criminal justice system and punishment provisions as relatively clear and understandable.

The items related to the severity of punishment (severity) also show high values. Statements such as "By imposing longer prison sentences, the crime rate in society decreases and justice is upheld" (0.892), "Imposing longer prison sentences is very important for alleviating the emotional harm of the victim" (0.889), and "Imposing longer terms of imprisonment is effective in preventing crime" (0.82) suggest that respondents tend to believe that more severe punishment can contribute to crime prevention and justice.

The indicators related to the certainty and celerity of punishment show particularly strong results. For instance, "The certainty and swiftness of imprisonment are effective in preventing crime" has the highest loading (0.897), while "The certainty and prompt imposition of imprisonment are important for the rehabilitation of offenders" (0.87) and "Law enforcement authorities identify offenders and impose punishment promptly" (0.854) also demonstrate strong relationships. These findings suggest that respondents strongly associate certainty and promptness of punishment with effective crime deterrence, which is consistent with the classical deterrence theory emphasizing certainty, severity, and celerity.

However, several items show relatively lower values. For example, "Repeatedly postponing criminal case hearings reduces the effectiveness of punishment" has the lowest loading (0.404), while "I am aware of the legal liability imposed on individuals who commit crimes" (0.568) and "Rather than necessarily imposing long prison terms, it is more effective for punishment to be proportionate" (0.619) also display moderate or weak relationships. These results may indicate that respondents' perceptions regarding procedural delays and proportional punishment are less consistent.

We concluded that many of the items show acceptable or strong factor loadings (generally above 0.6), indicating that the measurement model demonstrates adequate reliability and construct validity. The findings also suggest that respondents tend to perceive certainty and promptness of punishment as the most

influential factors in crime deterrence, followed by severity and clarity of criminal liability. This pattern aligns with the theoretical framework of deterrence theory, which emphasizes the importance of certainty, severity, and celerity of punishment in preventing criminal behavior.

Path analysis results and hypothesis testing that the path analysis was conducted to examine the effects of celerity, certainty, and severity of punishment on the general prohibition of imprisonment. The significance of each hypothesized relationship was evaluated using the sample mean, standard deviation, T-statistics, and P-values.

Hypothesis	Sample mean	Standard deviation	T statistics	P value	Results
Celerity--> General prohibition of imprisonment	0.096	0.140	0.513	<b>0.609</b>	Not supported
Certainty--> General prohibition of imprisonment	0.382	0.098	3.767	<b>0.000</b>	Supported
Severity--> General prohibition of imprisonment	0.350	0.141	2.607	<b>0.009</b>	Supported
<i>Notedby: The result of our study</i>					

**Table 03: The path analysis**

The relationship between celerity and general prohibition of imprisonment shows a sample mean of 0.096 with a standard deviation of 0.140. T-statistic result is 0.513, which is far below the commonly accepted threshold of 1.96, and the P-value is 0.609, which is greater than the significance level of 0.05. These results indicate that the effect of celerity (the swiftness of punishment) on the general prohibition of imprisonment is not statistically significant. Therefore, the hypothesis proposing this relationship is not supported. This suggests that the speed with which punishment is imposed may not strongly influence perceptions related to the general prohibition of imprisonment in this study.

The relationship between certainty and general prohibition of imprisonment demonstrates a sample mean of 0.382 and a standard deviation of 0.098. The T-statistic result is 3.767, which exceeds the threshold of 1.96, and the P-value is 0.000, indicating a highly significant relationship. This result confirms that certainty of punishment has a positive and statistically significant effect on the general prohibition of imprisonment. Therefore, the corresponding hypothesis is supported. This finding aligns with classical deterrence theory, which emphasizes that the likelihood of punishment is a key factor in preventing criminal behavior.

The relationship between severity and general prohibition of imprisonment shows a sample mean of 0.350 and a standard deviation of 0.141. The T-statistic result is 2.607, which is greater than 1.96, and the P-value is 0.009, which is below 0.05. These results indicate that severity of punishment has a statistically significant positive effect on the general prohibition of imprisonment. Consequently, this hypothesis is supported. This suggests that harsher punishment may contribute to strengthening the deterrent effect of imprisonment.

The path analysis results show that certainty and severity of punishment significantly influence the general prohibition of imprisonment, while celerity does not demonstrate a significant effect. Among the three factors, certainty shows the strongest influence, followed by severity. These findings imply that the likelihood and harshness of punishment play a more important role

in deterrence than the speed of punishment within the context of this study. This partially supports the classical deterrence theory, which emphasizes certainty, severity, and celerity as the main mechanisms for preventing crime.

#### 4. Conclusion

We studied about study examined the influence of the key deterrence factors—certainty, severity, and celerity of punishment—on the general prohibition of imprisonment in Mongolia. The findings indicate that certainty and severity of punishment play a significant role in strengthening the deterrent effect of imprisonment, whereas the impact of celerity appears to be statistically insignificant in this context.

The findings of this study provide empirical support for several key assumptions of deterrence theory within the context of Mongolia. The measurement model demonstrates acceptable levels of reliability and construct validity, as most of the items exhibit factor loadings above the recommended threshold of 0.6. This indicates that the selected indicators are appropriate for measuring the main dimensions of deterrence theory, namely certainty, severity, and celerity of punishment. In particular, the constructs of certainty, severity, and celerity show strong reliability and satisfactory convergent validity, confirming that they effectively capture the theoretical components of deterrence.

Among these constructs, severity demonstrates the strongest measurement quality, followed by celerity and certainty, suggesting that respondents tend to perceive the harshness of punishment as a clearly defined and measurable factor within the criminal justice system. In contrast, the construct of general prohibition of imprisonment shows relatively weaker convergent validity due to its lower AVE value. This indicates that the indicators used to measure this construct may not fully represent the concept, and therefore future studies should consider refining or expanding these measurement items.

Furthermore, the results of the path analysis reveal that certainty and severity of punishment have statistically significant effects

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on the general prohibition of imprisonment, while celerity does not show a significant influence. Among the three determinants, certainty appears to have the strongest impact, followed by severity. This suggests that the likelihood of punishment and the perceived seriousness of sanctions are more influential in shaping deterrent effects than the speed with which punishment is imposed.

Taken together, these findings indicate that the effectiveness of deterrence in Mongolia is more closely associated with the certainty and severity of punishment rather than its promptness. While the results partially support the classical deterrence theory— which emphasizes certainty, severity, and celerity as the key mechanisms of crime prevention— they also suggest that the relative importance of these factors may vary depending on the institutional and social context of the criminal justice system. Therefore, strengthening the certainty and proportional severity of punishment may play a more significant role in enhancing the deterrent effect of criminal sanctions in Mongolia.

The results suggest that, within the Mongolian criminal justice system, the likelihood of punishment and the perceived seriousness of sanctions are more influential in shaping deterrent effects than the speed at which punishment is imposed.

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MMZZ.txt \*2026 data.splsm PLS Algorithm (Run No. 1)

### Outer Loadings

Matrix

	Celerity	Certainty	General Prohibit...	Severity
Cel 2	0.733			
Cel 1	0.854			
Cel 3	0.897			
Cel 4	0.870			
Cel 5	0.404			
Cer 1		0.732		
Cer 2		0.778		
Cer 3		0.789		
Cer 4		0.626		
Cer 5		0.828		
GEN-1			0.568	
GEN-2			0.734	
GEN-3			0.684	
GEN-4			0.649	
GEN-5			0.696	
GEN-6			0.665	
Sev 1				0.820
Sev 2				0.889
Sev 3				0.810
Sev 4				0.892
Sev 5				0.619

MMZZ.txt \*2026 data.splsm PLS Algorithm (Run No. 1) Bootstrapping (Run No. 1)

### Path Coefficients

Mean, STDEV, T-Values, P-Values | Confidence Intervals | Confidence Intervals Bias Corrected | Samples

	Original Sample...	Sample Mean (...)	Standard Deviati...	T Statistics ( O/S...	P Values
Celerity -> General Prohibition of Imprisonment	0.072	0.096	0.140	0.513	0.609
Certainty -> General Prohibition of Imprisonment	0.370	0.382	0.098	3.767	0.000
Severity -> General Prohibition of Imprisonment	0.367	0.350	0.141	2.607	0.009

MMZZ.txt \*2026 data.splsm PLS Algorithm (Run No. 1) Bootstrapping (Run No. 1)

### Discriminant Validity

Fornell-Larcker Criterion | Cross Loadings | Heterotrait-Monotrait Ratio (HTMT) | Heterotrait-Monotrait Ratio (HTMT)

	Celerity	Certainty	General Prohibition of Imprisonment	Severity
Celerity	0.773			
Certainty	0.348	0.754		
General Prohibition of Imprisonment	0.485	0.480	0.668	
Severity	0.775	0.233	0.508	0.812

Final Results	Quality Criteria	Interim Results	Base Data
<a href="#">Path Coefficients</a>	<a href="#">R Square</a>	<a href="#">Stop Criterion Changes</a>	<a href="#">Setting</a>
<a href="#">Indirect Effects</a>	<a href="#">f_Square</a>		<a href="#">Inner Model</a>
<a href="#">Total Effects</a>	<a href="#">Construct Reliability and Validity</a>		<a href="#">Outer Model</a>
<a href="#">Outer Loadings</a>	<a href="#">Discriminant Validity</a>		<a href="#">Indicator Data (Original)</a>
<a href="#">Outer Weights</a>	<a href="#">Collinearity Statistics (VIF)</a>		<a href="#">Indicator Data (Standardized)</a>
<a href="#">Latent Variable</a>	<a href="#">Model Fit</a>		<a href="#">Indicator Data (Correlations)</a>
<a href="#">Residuals</a>	<a href="#">Model Selection Criteria</a>		

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