

The Importance of Law

Outline

- The difference between Civil and Criminal law
- The importance of a criminal justice system
- Importance of having laws in society
- References
- The difference between Civil and Criminal law

Criminal law is a term that is often used when making reference to actions which have been outlawed. Procedurally, they are brought to court by the by the state and the defendant is either found guilty or not guilty. For a guilty sentence to hold, the guilt has to be proven beyond a reasonable doubt. These laws are malum in se, which implies that they govern actions that contravene the mores of society, irrespective of the existence of laws. This also constitutes the model of value consensus, which is often used when explaining the basis of criminal law. For example, consider the case of murder. It is commonplace that all communities detest murder. This makes it an offence, whether laws prohibiting it exist or not. Offenders are chastised by deprivation of freedom, mostly by incarceration (Walston-Dunham, 2008).

Civil law presides over disagreements between members of the society, in instances where there is no evidence of a committed crime. Conviction in such instances is often based on the likelihood of guilt, as perceived by the judge or a jury of the offender's peers. These regulations are malum prohibitum, which implies that a contravention occurs after they have been defined as the same by a person or the existing authority. Conviction habitually results in the loss of some privileges or fines. It is noteworthy that they seek to prevent persons from hurting each other or infringing into their property deliberately. In addition, they seek to prevent disputes between organizations and states, which arise even in instances where no criminal laws have been, breached (Schneider, 2006).

The importance of a criminal justice system

The importance of an efficient criminal justice system is evident, given the high propensity of committing offences that have been exhibited by individuals. The structures created by civil laws do not facilitate retribution for grave offences, like rape, murder, theft, among many more. The occurrence of these ills may pose a grave danger to the society, as opposed to civil law, which seldom exceeds beyond the parties involved. In order to reign in on these offences, it is mandatory for the offender to be punished in addition, to compensating the victim. Criminal law provides a framework within which the state takes up such cases and ensures that offenders are brought to book (Abel, 1995).

Persons may seek to exploit the noble intentions of the law by framing their adversaries, thereby having them convicted falsely. The structures established under civil law make this a lot easier, since all it requires is deliberation on the evidence produced. This allows for pollution of the process since decision may be affected by a plethora of factors; including circumstantial evidence and personal sentiment, among many more. With criminal law, all prosecutorial functions are shouldered by the state, with emphasis placed on proving the accused guilty beyond a reasonable doubt. In case, this threshold is not met, the defendant walks away free (Abel, 1995). This way, only valid cases, are arraigned in court and subjected to due process as dictated by the law.

Importance of having laws in society

Societies are often cosmopolitan areas, with respect to personalities and human character. As a result, misunderstandings often occur, due to differences in character and mannerisms of different persons. Beliefs and mannerisms espoused by neighbors also signify areas in which persons may differ. As a result, these differences may manifest explicitly, leading to conflict due to misapprehension of other peoples character. As a result, it is indispensable to have laws in place, to determine a code of conduct that will be adhered to by all and sundry. This implies that the penance for any violation is stated explicitly; hence all will strive to avoid this predicament. Consequently, laws establish an atmosphere that is welcoming to diversity. This happens because it creates an atmosphere with increased understanding, as a result of the conflict resolution guidelines that are specified within the decrees (Bornschieer, 1996).

References

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