

Comparative criminal justice



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Common law overcomes petty politics and appeals to a broader consensus. The important aspect of common law is the use of precedent. Fidelity to prior cases is a specific approach to tap into the experience and the wisdom of others. In fact, common law states that prior judicial decisions should be taken as a coherent whole that is in consonance with an evolving society. The legal processes respected by the common law such as adversarial contention and a place for juries enables close attention to factual circumstances and presents opportunities for practical knowledge. The emphasis of customary law is the enumeration of specifics rather than the assertion of principles. The common law believes that law should rest on intuition and reason and on consent and force. The common law tradition was made part of the American Constitution. For example, the freedom of speech is a mark of rationality and an adaptation to the prevailing circumstances of the British position on seditious libel. For instance, on the right to abortion, the Supreme Court's strong refusal in *Casey* to overrule *Roe v. Wade* was a clear example of common law respect for precedent. It is possible that modern jurists and legal scholars reject that the kind of knowledge upheld by the common law is really knowledge.

Public necessity created civil law. If there were no necessity for law, then there would be no civil law. The term, civil law means the combined laws on civil and criminal law. There is no instance where the duty is to civil law only. The aim and objective of the civil government is to ensure good morals all of the transactions and relationships of its citizens. Morality is the primordial principle in the workings of government and public necessity. Arkansas. Art. 2, Sec. 25, Constitution 1874:

" Religion, morality, and knowledge being essential to good government, the
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General Assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship."

The United States should try to control drug production at the source through the use of U. S. troops, law enforcement agents and money. US foreign policy has played a very important aspect in shaping anti-drug policies in Latin America. The use of military power as a tool of US foreign policy can have a successful impact in mitigating the drug cartel industry in Latin America specifically in Colombia. The Colombian drug cartels particularly in Cali and Medellin are dangerous organizations constituting a serious security threat to the government. These drug cartels are ultimately responsible for all types of violence and these have to street and prison gangs. These cartels destroy lives, undermine developing economies, and decrease political confidence and economic reform. The cartels can also cause corruption among politicians and the members of the police force. A specific model is the US policy in neutralizing the Colombian drug lord, Pablo Escobar, the late narcotic billionaire. Escobar was just a petty thief who started a drug distribution business which later evolved into an international drug smuggling empire. He became very rich and he owned fleets of boats and planes, various residences in Medellin. Violence is his main strategy and trademark so he made many enemies in Colombia and the United States. His vicious acts included murdering a popular politician and, planting a bomb on a plane which killed 110 people including two Americans. After that incident, the U. S. government decided to act decisively and put a public manhunt for Pablo. US military resources spanning from a massive electronic-surveillance effort to the cooperation of U. S. agencies characterized government efforts

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to catch. Finally, he was shot and killed during a massive military operations in 1993.

References

Bowden, Mark. 2001. Killing Pablo. New York: Simon and Shuster.

Dammer, Harry R. and Erika Fairchild. 2005. Comparative Criminal Justice Systems. New York: Wadsworth Publishing.