

Free criminal law essay sample

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Question 1

The video illustrates a lacuna and loophole in the criminal justice system that provides the accused with an opportunity to cross examine the complainant, in a court proceeding. In this video, the case involves the complainant (Miss Jason), and defendant (Mr. Gassley). Through her lawyer, the defendant has accused the defendant for raping her, despite the accused, and the complainant concealing that they knew each other, and had an intimate relationship before. During the court proceeding, the jury has a legal duty to manage the court proceeding fairly, and in accordance with the provisions of the law; an aspect that the presiding jury has observed. Although this is the case, the account takes place when the defendant is allowed to cross-examine the complainant, under the discretion of the jury. In this scenario, the accused is allowed to ask the complainant personal questions, which according to the complainant's lawyer are irrelevant and intimidating. However, the presiding jury overrules such claims on the premises that conversations form part of the cross examining process. Therefore, an account takes place when the defendant is providing with an opportunity to cross examine the complainant, in the court proceeding.

Question 2

The criminal justice system plays an integral role in preventing, reducing, and deterring criminal activities in the society. The criminal justice system has the obligation of enforcing laws, which aim to maintain the social order and status quo. Although this is the case, the criminal justice system works in unison with the society and other law enforcing agencies to uphold the law

of order. Over the years, the society has provided important information to the law enforcing agencies and criminal justice system to uphold law violators. In order to achieve this goal, the society employs consensus model and conflict model to determine criminal acts. Consensus model is premised on the assertion that most of the social systems share similar values, principles, and beliefs. This model articulate that people in the society, and they universally agree on, which values, beliefs, and principles should form norms and morals of the society.

Based on the consensus model, a crime is any act that contravenes the values, norms, beliefs, and principles, which define morality of the society. Individuals who engage in deviant behaviors and criminal activities should be sanctioned based on laws, norms, and rules, which are enacted by the society. Consequently, conflict model aims to meet the interests of certain social classes or social groups, which have power in the economic, political, and social sectors. Different social classes and social groups share values, beliefs, and principles, which are used to determine criminal acts in the society. Therefore, values, principles, and beliefs shared by a social class or social group (with power in the society) determine criminal acts in the society.

Consensus model and conflict model determine criminal acts in the society. Unlike conflict model, consensus model embraces the concept of morality because it is premised on acceptable and standardized values, beliefs, and principles, which define humanity and control peoples' conduct.