

Week 7 diss

Sociology



CIRCUMSTANCES WHERE JUDGES MAKE DECISIONS IN ACCORDANCE TO THE LAW OR PERSONAL ATTITUDES
Circumstances where judges make decisions in accordance to the law or personal attitudes

Student's Name.....

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Unit Name....., Semester....., Academic Level.....

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Date of Submission.....

In the criminal justice system, judges have been entrusted with the noble mandate of interpretation of the law and making judgments on legal issues. Professionalism demands that they follow the law with objectively and uttermost neutrality, and that they refrain from handing down subjective and bias judgments. However, this has not always been the case entirely, and in some instances judges have found themselves trapped in the dictates of prejudice and personal attitudes. Let us explore some circumstances where the rule the law will prevail and where it will not. According to Ohchr. org (2012) the major factor that will ensure that a judge renders a decision in accordance to the law is enabling a society where the judiciary is: independent, impartial, zero tolerant to corruption, committed to the rule of law and respects human rights. In such a society, one can predict that the judge will uphold the law. This is because the judge is expected to be transparent, independent, impartial and professional and should not decide cases arbitrarily following their personal preferences. In the event of non-compliance, there are checks and balances to ensure compliance. On the other hand, in societies where impunity, disregard of the rule of law and violation of human rights thrive, one can predict that a judge in this set up

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will make a ruling according to their personal attitudes and in line with the dictates of their political masters and superiors. In these societies, corruption and bribery still dominate; hence objective judgments are hard to come by. Members of such societies still hold dearly to a barbaric belief that justice can be bought. Some of the factors that that can promote judgment prejudices and jeopardize objectivity are: race, sex, social origin, culture, color, religion, property, political opinion and kinship. This can be illustrated using one of the aspects; political opinion. Judges are human beings and they exist in the society and as such they have their political orientations. When a judge is faced with a challenging task of making judgments which are political in nature, one can predict that the judgment will be inclined to his or her personal attitudes reinforced by political opinions. This will be the case with the other mentioned factors. This happens particularly if the society does not respect and uphold the rule of law. It is critical that judges embrace professionalism and make objective judgments in accordance to the rule of law to ensure justice for all.

Bibliography

Ohchr. org. (2012). Chapter 4; Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers. Retrieved From <http://www.ohchr.org/Documents/Publications/training9chapter4en.pdf>