

# Free term paper on a judge's job using conflict and functionalist theory

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A Judge is one of the chief officials of very high rank who interprets the law and provides judgment based on the evidences. A judge can be a male or a female and the verdicts provided by them affect the society and the lives of people. The judges are appointed in civil courts, high courts and supreme courts. The judge is required to follow the rules and regulations laid by the United States Constitution or the laws of the State Constitution depending on where the judge is posted. The basic duty of the Judge is to listen to the Accused, the Prosecutor, the Defense Counselor, the Witnesses, and look into the evidences, and provide a verdict. Impartial judgment, judgment not based on caste, creed, religion, sex, nationality, good listening and thinking capability, patience to listen to the accused and the evidences are a few requirements for a judge and they must be followed religiously. The judge is not supposed to be a member of any organization or institution where judgment is provided against the required characters to be a judge. The position of being a judge is considered to be very powerful because the decisions provided by the judge bring in a drastic change in the society, lives of individuals, organizations, and all the people in the state or the country. Judges not only provide decisions but also investigate personally in some cases. They must be sensitive to the feelings of the people and be very careful when sentencing an accused for life imprisonment or a death sentence. The life of judges can be risky sometimes because of these kinds of verdicts provided by them and hence they are provided the highest degree of security by the government. The United Nations, Office of the High Commissioner for Human Rights, and International Bar Association (808) mention that the members of the legal professions must not only be

courteous and show understanding; they must also have a sound knowledge of human rights law and be prepared at all times to act impartially and independently in the pursuit of Justice. The role of judges can be split according to their expertise that may include handling only criminal cases, cases related to family disagreements, and organizational disputes.

Karl Marx, the founder of the conflict theory construed that the people fight for the power in groups for some degree of resources and engage in conflicts. Every other person in the society wants to gain power in some or the other form, however it is always the wealthy or the elite people who make a mark in convincing and win over the poor. Karl Marx argued that there is lot of inequality in the society and the different roles in the society are rules only by the rich. The various conflicts that arise due to this inequality and differences in the society can be abolished by fundamentally transforming the present laws of the society. Whenever there are societal conflicts, many issues related to discrimination, and bigotry arise and the Judges will have an important role in such conflicts where they must emphasize on these issues and ask the higher authorities to create laws that could solve such kinds of issues at the earliest and help in restoring peace in the society. These conflicts are reduced and a non-biased decision is provided by the judge to maintain law and order and as the judge interprets the law. The basic job of the judge is to provide decisions and verdicts; however after the enactment of the Human Rights Act of 1998, the judge also has the privilege to create the laws in some circumstances.

The people who are powerful due to their position create the society laws to use the laws for themselves. The conflict perspective argues that, when the

elite and the influential people commit anything wrong, they can hire lawyers, and other people to help them avoid being labeled as deviant. The Judge must know about the correct and the incorrect accusations and must look into all the aspects of the case when submitted to the court.

The functional theory mentions that the society is a multifaceted unit combined with various parts and every entity in the society must satisfy and complete the role assigned to them. Thus, functionalist and functionalist-inspired perspectives on gender seek to show that gender differences contribute to social stability and integration (Giddens & Griffiths, 467). The functional theory supports deviance as an important aspect in the society because deviance results in creating various rules that brings changes in the society. A judge handles many different cases related to deviance, for example cases like infidelity, pornography, gambling, adultery and numerous cases that deviate from the norms of the society. The decisions provided in such cases by the judge act as a benchmark for the society and create awareness among people and make them cautious before they can perform any act of Deviance. There can be many acts of deviance that are not criminal and some criminal acts like use of marijuana, high speed driving and evading a tax may not be deviant.

The verdict provided by judge must ensure that the crime is not repeated in future. While providing judgment on the cases related to the functional theory the judge must consider the sentiments of the people and give a decision that can benefit the society. The judge's job is not an easy task because of the power associated with it. The cases that originate from the functional theory perspective are delicate, and the judge must ensure to

provide a decision that not only benefits the society but also educates the accused to become a responsible citizen. After the judgment no expression of fulfillment can satisfy the judge unless the judge's own standards are satisfied.

## **Works Cited**

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