

Research paper on stand your ground: florida case

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The stand your ground law is a type of jurisdiction in which, individuals are given the right to use force in the event they are in danger or approached by such circumstances. The law does not provide any statute for the evasion of such circumstances but allows for the individual to counteract the force with an equal measure of force. When this law is reviewed with respect to the humanitarian perspective of human rights, it is considered as a wrong undertaking. As a matter of fact, I consider this law as a discriminative law and violate the natural course of life forms. There are numerous instances when we are faced with great dangers and we are left with either to run away or confront the danger that lurks. The main principle why I find it as violent as it looks is because the law does not provide any provisions for either retreating or escaping from the dangerous situation when such a chance p[resents itself. This account can be best understood if only the main principles are evaluated.

There are various critics who have stood to oppose this type of law. They have aired their views in support of various humanitarian theories.

Evaluating dangerous situations that are covered by this law, I believe, should create room for either escaping or dialogue. Florida passed the law in 2005, allowing its citizens to retreat with force when confronted with such lethal circumstances. There have been cases where people die or are killed in circumstances where this law is given as a justification. In this context, and evaluating the case studies in which many individuals contradict this law, viable reasons have been attached to help modify this statute. The most appropriate stand with respect to this law is not to totally abolish its existence, but allow some degree of modification. This should be done in comparison with how other states have incorporated this principle of law in <https://assignbuster.com/research-paper-on-stand-your-ground-florida-case/>

their statutes.

Taking for instance, analysis in the context of an individual who is in danger and has no loophole through which he or she can escape from the situation, gives the individual the right to retreat with measurable force. In some unfortunate cases, people die in the hands of others as a result of the existence of this provision in the state's law. In such a situation, it is agreeable for the individual to counteract with measurable force to help save his/her life. There has been a cold-blooded killing that engulfs the dailies in Florida with characteristic circumstances that cannot be well understood. Numerous theorists have advocated for the tailoring of this law to put more emphasis on human rights. For instance, when an individual is confronted with a dangerous situation and is able to suppress the attacker, it would be best for the individual to spare the attacker's life.

As it is put by the citizens in Florida, the law dictates that force is met with force. However, the law does not consider the fact that even dangerous activities are measurable and their extent can be determined. Therefore, the most appropriate take would be for an individual to determine the extent to which he or she is in danger and decide on the best moral and ethical way to act. This law gives lawbreakers and self proclaimed murderers the right to kill and they afterward defend themselves using this law.

In a case in one of the towns in Florida, a man was accused of killing his neighbor and was arraigned in court (Phillip, 2014). Unfortunately, this individual was only bailed out, as the judge did not find enough evidence to counterbalance his plea of Stand Your Ground. It is believed that a large percentage of murder cases arraigned in courts in Florida are argued using this law. Fundamentally, it provides an easy escape route for murderers.

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Right now, there are numerous pending cases as well as cases that have already been settled in unclear ways. The rule puts judges in jeopardizing situations where they are forced to let murderers and grave lawbreakers to walk free as a result of the fact that the amendment of this law is not within their clearance. In a case posted in one of the dailies in Florida, a white man who shot dead an unarmed teenager was not convicted due to similar reasons as mentioned above. This specific case brought about demonstrations against the significance of this law in the state. In fact, judges have ruled it practically challenging to establish that a particular case can be ranked as Stand Your Ground and another can be ranked as not (Jacob, 2013). This statement simply dictates that such cases are no longer at the hands of judges to relay the best judgment.

In this context, I find it right for theorists to document the enactment of such laws as a violation of the humanitarian perception of human rights. This virtually means that the right of either taking or sparing an individual's life is put at the hands of the individual with the opportunity to take it. The moment a grave conflict arises between two or more people, the one who kills the other triumphs as a result of the principles of this law.

As depicted in the case above, it could be argued that the white man had an added advantage through the possession of the gun to terminate the life of the teenager. When this case is viewed with respect to the teenager, it is not clear what type of danger he exposed the white man to, as a matter of fact, judges have commented that it is even harder to justify if the dangers documented by the accused are true because the witness is dead. As for the example above, the white man could fabricate any situational danger and accuse the teenager and escape with it because there would be no witness

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to deny his allegations.

On the other hand, viewing a situation in which an individual is at the point of death and the only way to escape alive is to kill the attacker would be understandable. Indeed, there are situations in which an individual finds it difficult to either escape or engage dialogue with the attacker. In such circumstances, it is understandable for the individual to kill the attacker and choose his or her life over that of the attacker. Such a situation calls for self-defense and is undisputable. In fact, that would be the most appropriate step that any individual would take. Therefore, the law should not consider totally removing the law of Stand Your Ground from existence but modify it to add some degree of ethical and mutual viability. This way, judges would be able to establish if any of the two individuals conflicting were at a position to settle the situation using dialogue, escaping, or death. As a matter of fact, each murder situation will be clear for evaluation. The Florida case is not only unique but a common case in the contemporary lives of citizens all over the world especially in states which have adopted the law.

In conclusion, this law has to be viewed in the perspective of both the victim and the murderer. Demonstrations in Florida show that citizens are not pleased with the adoption of this method of jurisdiction. As a matter of fact, a law should be fair and agreed as well as supported by the citizens from the state on which it is used. Additionally, the law provides that modifications and newer enactments should be able to be accomplished in the case of any law procedure. Judges are ranked as the lawmakers and the implementers in the hierarchy of law making and jurisdiction (David, 2000). Florida's case in which the judges agree that the law puts them at points of conflict and jeopardy with the law is actually sad and compromising. If my account is to <https://assignbuster.com/research-paper-on-stand-your-ground-florida-case/>

be considered in this case, the white man would not go unpunished for taking the teenager's life irrespective of how much right he was with respect to the law. It is important that the law does not give a hand in destroying the exact thing that it is developed to protect.

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