

Speluncean explorer case



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Speluncean Explorer Case Speluncean Explorer Case “ The Ukraine has a unified judicial system. Its criminal justice system is based on both the inquisitory and adversary justice principles. While preliminary investigations follow an inquisitory scheme, the adversarial principle dominates when the case goes to trial. The primary criminal justice legislation being adhered to as of December 31, 1993 are the Criminal Code, the Code of Criminal Procedure, and the Law on Judiciary” (Chapkey). The adversarial principle relies on the skill of each advocate representing his partys positions and involves a jury, trying to determine the truth of the case. The jury will hear the arguments from both the parties and then he will decide the truth or punishment. Normally in adversarial system the trial will be followed by an inquiry of the issue.

In my opinion, the judge Natural who upheld the judgment, but reduced the punishment to 20 years life in prison, is more likely to be the best judge who acted as per the criminal justice system in Ukraine. In criminal procedures, the humanity or morality will only at the second place. At first place the as per the criminal justice system the judges need to analyze that whether the crime has been committed by the accused or not. They should confirm that enough evidences are there to sentence the culprits.

In this case the crime has been established beyond doubt and all the judges were convinced of the crime. It is a fact that the culprits were collectively endorsed the

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agreement reached between them. One can argue that legally they were correct in their deeds. But morally nobody can say that they were correct. So the first duty of the judges is to ensure that enough evidences are there

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against the culprit. The circumstances under which the crime has been conducted, comes only after the crime is established. The circumstances of the crime only used to determine how much punishment needs to be enforced. If the judge feels that the culprit has no other way other than the crime to escape, the judge can consider a liberal approach towards the culprit. Or in other words if the crime was conducted under no forceful conditions then the culprit needs maximum punishment.

Here in this Speluncean Explorer Case, the crime was conducted only when there was no other way for the culprits to escape. So the judge can think of a liberal approach towards the culprits. But at the same time, under no circumstances, a person can take the life of another person because of its immense value. Since nobody can create a life in the laboratory, nobody can take the life of another person also. So in this case judge Natural is absolutely right in his judgment in my opinion. He has analyzed all the aspects of the crime both legally and morally. Though the culprits may be right legally, morally they were not. Capital punishment has to be reduced considering all the aspects of the case. So the culprits need to be punished but it should be on moral backgrounds alone. So I think judge Natural's judgment best suited for the criminal justice system in Ukraine.

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Works Cited

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