

Court history and purpose essay sample



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When thinking about the history of court systems one typically does not think past the time of when the U. S. Constitution, the Declaration of Independence and the Bill of Rights were established. History shows that varying forms of court systems date back as far as 1750 B. C. when King Hammurabi ruled. During King Hammurabi's reign he established seven codes of law; one code is the "eye for an eye" code, which is a form of retributive justice (Halsall, 1998). After Hammurabi, came the Roman Empire in 450 B. C. with their 12 tables of laws, which was the first of non-religious based legal codes. King William of England was the first to have judges that issued decisions that were written and shared with other judges (Siegal, Schmallegger, & Worrall, 2011, p. 8). England titled this procedure as being laws that are in common. When the British came to the United States they brought this form of law with them and this is what the United States refers to as common law.

The practice of judges making common law or precedents no longer happens in today's society. Hammurabi, the Roman Empire and King William of England paved the way for the court systems, laws, and the procedures that the United States has and makes good use of today. These early legal codes were the beginning of formalized law (Siegal, Schmallegger, & Worrall, 2011, p. 8). The role they played in the development of court systems started with common law and civil law. Common law originated from court judges of that era writing down how they sentenced a case so that judges in the future who had similar cases had a guideline for what the consequences would be to the offender or person present in court. These written sentences or procedures are called precedents and are not coded laws. Adhering to these set

precedents is called stare decisis. As laws and courts started to develop and were consistently used, a judicial system started to take shape and various types of court systems started to develop. One system is the dual court system.

The dual system separates federal courts from state courts. Textbook definition states dual court system as “ a judicial system comprising federal and state level judicial systems” (Siegal, Schmallegger, & Worrall, 2011, p. 5). This works because government power is divided between state and federal courts equally. This is beneficial on several levels. One of the benefits is that cases are handled in the appropriate jurisdiction levels. State cases cannot be tried in federal courts and federal cases cannot be tried in state courts. The slight exception to this is if a case starts at the state level and via the appeals processes makes it to the U. S. Supreme Court which is a federal court as well as being the highest of all courts. If this happens and the U. S. Supreme Court makes a ruling, then it stands as a ruling for all 50 states to follow. A court (at state level) consists of a judge, a jury, one or more defendants, prosecuting attorney, defense attorney, and possibly witnesses. Trial cases utilize the judge, the jury, the attorney’s, and witnesses where as some cases and some courts only require a person to go before a judge, and that judge hears the case and renders a decision.

The most important function of this court system is to uphold the law. Other important purposes of the court system is to protect all people living in the United States, resolve conflicts, and reinforce social norms (behaviors) (Siegal, Schmallegger, & Worrall, 2011, p. 5). Adjudication and oversight are two key factors when courts uphold the laws that are set in place.

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Adjudication and oversight also resolves conflicts that happen between people, with businesses and even with the government such as lawsuits. It protects all people living in the United States from having their rights violated in any way, and reinforces the norms i. e. the behaviors displayed by people that are unlawful. Adjudication refers to the court deciding who is to be held accountable for the alleged crime committed. Oversight refers to the appellate courts making decisions regarding matters involving police officers and how they perform their duties. To expand on this further, oversight refers to police officers doing searches legally, reading someone his or her Miranda rights at the appropriate times, and an officer's excessive use of (deadly) force.

It is clear that laws and courts have grown over the centuries and always taking into consideration the rights of all individuals. The justice system went from taking matters into his or her own hands, to having the rulers of countries set the punishments, to creating laws and courts. Even in the 21st century laws are being amended and created to make sure the rights of everyone are not infringed upon and that these same laws are clear when interpreted. As times change, so do people, and so do the crimes and reasons people are appearing in court. With these changes the courts grow and adapts where needed and when needed.

References

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