

Due process rights

Law



Due Process College: Due Process Due process is a constituent of the law, intended to ensure that all people who are subjected to the justice system are not deprived of their rights to life, liberty or property. Within the United States Constitution, there is a Due Process Clause intended to ensure that all states uphold the obligation to provide fair, legal procedures. One of the aspects of due process is the procedural due process. According to the Due Process Clause, the government must follow fair procedures to produce accurate results to ensure that any verdict made does not deprive a citizen their interests. The Due Process also is intended to make people feel that the government is fair in the way it treats citizens in the legal process by listening to both sides of the story (Cornell University Law School, 1992). In Procedural Due Process, the government has to do more than just act in accordance with the law, by observing and granting citizens fair procedures, whether or not the procedures are provided for within the law. It would be unconstitutional for the government to deny citizens the due process. The Procedural Due Process is intended to guarantee basic fairness to all citizens regardless of the crimes purported to be committed. Fairness entails a variety of aspects including a chance to be heard in a timely and meaningful manner, the making of a decision based on substantial evidence and the right to even appeal the decision if need be. Due process also puts in focus the importance of individual rights and interests in question, so that the more important the interests are, the more reason why the due process must be afforded to a citizen.

The Procedural Due Process entails three main steps, which begin by asking whether there has been a deprivation of rights. Secondly, it has to be established whether the deprivation is of life, liberty or property, and thirdly, <https://assignbuster.com/due-process-rights/>

there needs to be established what procedures to follow to ensure justice (Chemerinsky, n. d.). The first step determines whether the court would go through the due process, because if there has been a deprivation then it is important to undertake a procedural due process analysis. By undertaking the process, the court must determine the right procedures to follow, and consequently if the government procedures available are inadequate, this will constitute a deprivation of the due process.

In these three steps, the Constitution advocates for a fair hearing, before a tribunal or court. The citizen in question must be given the opportunity to present their evidence, while also having access to the claims of the opposing party so that he can meet them appropriately (FindLaw, 2012). Citizens who are brought to court to challenge the Government in a quasi-judicial process must be accorded fair advice on what the government proposes in their specific circumstances. If a discrepancy arises in the determination and the findings of a legal process, it should not invalidate court proceedings that show that the basic complaint brought before the court was clearly understood.

In conclusion, the aspect of Procedural Due Process is an indispensable part of the legal justice system in the United States. All citizens have a right to this process, and if not followed, it amounts to unconstitutional conduct on the part of the government and the courts, to grant citizens a fair representation in the justice system.

References

Chemerensky, E. (n. d.). Procedural due process claims. Retrieved May 07, 2012 http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1642&context=faculty_scholarship
<https://assignbuster.com/due-process-rights/>

Cornell University Law School. (1992). Due process. Retrieved May 07, 2012 http://www.law.cornell.edu/wex/due_process

FindLaw. (2012). Procedural Due Process. Retrieved May 07, 2012

<http://caselaw.lp.findlaw.com/data/constitution/amendment05/12.html>