

The judiciary system part ii research paper example

[Law](#), [Criminal Justice](#)



Introduction

The United States has a Judiciary arm which is bound and guided by the United States Constitution. Although independent, the Judiciary professionals are guided by the code of conduct clearly stated in the constitution of the United States during their roles in dealing with crime. Part I: a) Parts of the Constitution of the United States most relevant to the ethical standards of professionals in the judiciary

In the united states Constitution, Section I, Article III , It states how Judicial power extends to every case, in Law and Equity occurring under the Constitution, United States Laws and Treaties completed or which are to be completed, under Authority, to each and every case concerning Ambassadors, other Consuls and public ministers; to each and every case of maritime jurisdiction and admiralty; to hullabaloos party to the United States; to hullabaloos amongst states; between a State and Citizens belonging to another State; amongst citizens belonging to different states; amongst citizens belonging to the same state declaring Lands under endowment of other states, and involving a State, or a Citizen of that state, and foreign States, Subjects or Citizens. This article ensures that the ethical standards of the judicial officials respect the existence of citizens and that all may come from different states.

In Article II of the Constitution of the United States, it gives the President the power to nominate an individual to fill any vacant position left in the Supreme Court. After the nomination, nominees are referred to the United States senate. A hearing by the Senate Judiciary committee is held whereby nominees testify and respond to questions asked by members of the panel.

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This process ensures that member of the Judiciary chosen are of good ethical standards and discipline. b) Professionals in the judiciary uphold the Constitution by:-

- Powers of the judiciary of the United States are vested in the Supreme Court and it ensures that Judges in both Inferior and Supreme Courts hold their offices having good behavior, and at stated times receive un-diminishable compensation for their services as they continue with office.
- They ensure that trials of each and every crime, excluding impeachment cases, are held at the states at which the crimes happened, but if the crimes have not been committed within any of the states, then the professionals ensure that the trial is held at a place or places directed by law by the Congress.
- The Constitution states that, Treason posed against the United States, consist only when anyone is adhering to enemies of United States by providing them comfort and aid or by levying war against the United States. The Judiciary professionals are not entitled to convict any person of treason unless two witnesses testify to that overt act, or the convicted has confessed in open court. The Congress is then empowered to give punishment of treason, but without attainder of treason, or forfeiture unless through attainted person's life.

c) Use of the social justice principles of equality, solidarity, and human rights to build a more just society Social justice ensures that the rights of each and every person in a community or society are considered in an equitable and fair manner. Social justice emphasizes on the disadvantaged and the marginalized groups of people in a society. Equity is concerned with ensuring

that public policies are set up in a way that people living in isolated and neglected areas have access to good and better health and sanitary facilities. People of low socioeconomic background should not be undermined when it comes to hearing of their cases in court. Professionals in the Judiciary should ensure that all people of any social class, race, or from any State are treated equally and no incarceration happens when ruling out their cases. Solidarity means that all people of the United States are one nation, one family, whatever our differences may be, either from different states, race, ethnic, economy or ideology. Professionals in the Judiciary should understand that the interrelationship between people is an important and a driving aspect of change. The judiciary should have a unified commitment to live and work together regardless of who they are and for the quest of the common good. They should be able to intermingle with each and every one regardless of their social status.

Human rights are the inherent rights to all human beings. United States is composed of people from different origin, different states, color, language, religion, language and much more. The Judiciary officials should ensure that each and every citizen is entitled to his or her human rights without prejudice. These human rights are indivisible, interrelated and interdependent and thus the professionals should ensure that they are equally administered without discrimination.

Part II: a) Causes of crime There has been a reported increase in the number of crimes committed in United States daily. There are a number of reasons why people are indulging themselves into criminal activities. It has been discovered that many children neglected by their parents end up taking the

path of being criminals later in their lives. Crime may also be contributed by peer pressure. Weak students educationally who are unable to reach the standards required often end up being future criminals. Kids from poor backgrounds where their parents are unable to afford basic needs like food, shelter and clothing end up forming criminal groups and gangs and end up indulging themselves to activities of fraud, theft and extortion as a way of gaining material items they have been deprived of.

Abuse of substances such as alcohol and drugs has been found out to have a very strong influence especially in an individual's ability to reason and decide. When it reaches a point when the individual has been addicted, since they are not financially stable, they often become criminals so as to support their drug habit. Addictive persons also become vulnerable targets of other criminals because of their inattentiveness. Ease access of handguns has also contributed to crime life becoming easy. The handguns are either purchased from black markets or stolen.

Recent research has shown that many of the criminals are not educated enough and thus poverty and unemployment has triggered their criminal mannerism to enable them to be able to feed and support their families. Low income wages also make many individuals to take place in crime to enable them cater for their needs.

b) Use of criminal theory to understand criminal actions

- Biochemistry theory: Founded by Cesare Lombroso in 1876. This theory establishes the inferiority of criminals biologically by explaining how criminals may have inherited or the dysfunction of their body organs may produce a predisposition leading to crime.

- Psychological theory of 1914 explains the eight point difference in IQ between non criminals and criminals. Although this difference is not easy to notice but makes the criminals more foolhardy and impulsive, and also guys with high IQ are susceptible to folly. Psychological disorders such as sociopaths, psychopaths and antisocial personalities enhance crime.
- Ecological theory of 1920 explains the relationship between environment and an organism, thus it explains the eco-area disorganization of the living area of people.
- Strain theory of 1938, explains crime as a usual result of the ' American dream'. Here people have been setting aspirations like education, wealth, status or occupation to be too high and unavoidably notice goal blockages and strain along the way thus ending up into crime.
- Learning theory of 1947, explains the analysis of differentiating the positive and negative aspects which are viewed as rewarding by individuals.
- Control theory of 1969 focuses on the relationship a person has to his or her agents of socialization like, teachers, parents, police officers, coaches or scout leaders. It explains how an individual is capable of bonding with these authority figures, hence translating to a bonded society hence no trouble with law.
- Conflict theory of 1970, shows differences between competing groups like management against the poor, men against women, rich against poor, etc. They explain the idea of powerlessness and power.
- Radical theory of 1970, explains critiques of capitalists who allow people to live as billionaires while others are lavishing in poverty. Here class struggle brings about crime.

- Peacemaking criminology theory of 1990, explains that, war on crime continue to make matters worse. It suggests a solution to crime is by creating a more mutual, caring community and advocating for spiritual rejuvenation or inner rebirth.
- Feminist criminology of 1990s is based on patriarchy or domination of men. It calls for a closer attention to female opinions and views to end crime.

c. Understanding criminal theories and Judicial practice The criminal theories explained above help professionals in the judicial system of United States understand all the cases brought to them and judge them keenly considering different factors affecting each and every individual. They are also guided by the fact that all people are self-seeking by nature and thus prone to commit crime. They also are able to realize that punishment fits the crime committed and is not used to offend or rehabilitate the person convicted with crime.

Through these theories professionals understand that each and every individual is responsible for every action he or she has committed and thus mitigating excuses and circumstances are inadmissible. Part III: a) The three main issues that face professionals in the judiciary on a regular basis are: -

- Complex disputes: - The judiciary should be able to come up with efficient and effective resolution of these kinds of disputes. In most cases the complex disputes always have very complex evidence which also makes the case to be complex.
- Independence and trust: - It is realized that judge's role evolves in the society whereby federal judges are required to retain their public trust and independence hence being reliable to the society.
- Public understanding of the role of judges:-The judiciary must enlighten the

society with judicial working procedures thus making them understand the roles of judges and how the supreme and inferior courts operate.

b) Best responses to these issues

Judicial independence refers to the capability of judges to settle disputes impartially despite potential, real, or proffers of favor. This independence enable judges to guard each individuals rights even in amid of popular opposition.

As stated in Article III off the Constitution, the life tenure of federal judges has been criticized but as it has been well stated in the constitution, this has to be followed.

Conclusion

In the United States constitution, Article III and Article II, Section I, the Judiciary is entitled to independence thus ensuring no interference from external bodies and institutions. The integrity of judiciary officials in dealing with crime is guaranteed through their appointment by the president and a thorough vetting procedure by the senate enabling the professionals to be of good ethical standards and discipline. The day to day roles of the judiciary is governed by a strict discipline in handling complex issues and transparency to ensure members of public understands the process.

Crimes emanate due to differences in the social background of individuals, peer pressure, neglecting parental duties, abuse and addition of drugs. All these factors contribute to people indulging themselves in crime to be able to sustain their lives. Understanding criminology and criminal theories enable

the Judiciary professionals to be able to deal with criminal issues appropriately.

References

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