

# Uniform commercial code



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I think the adopting the Uniform Commercial Code was necessary in order to make the law uniformly applied across the different states of the United States of America. The law of merchants was an international law that had long been practiced in Greece before. The said law is in the form of commercial law that was made necessary to facilitate trade among states. The US in particular also needs commercial law which it made into the UCC to increase trade among its states by promoting uniform interpretation.

To illustrate, let us use the concept of contract law. Thomson West Legal Studies (2006) said that contract law is part of the common law that has evolved for hundreds of years and since contract law is primarily judge-made law at the state level, there are some differences in contract rules across the states, but the basic rules are similar in all states. " From above we could sense that the differences in contract rules could create a problem which could delay interpretation and which could prevent the efficient operation of trade across states.

Thomson West Legal Studies (2006) said that one of the costs of doing business in different states was dealing with the different rules of commercial law and that by the 1940s, some legal scholars and people in business decided that it would be efficient to have a more consistent set of rules governing commercial transactions. Hence, in 1942 UCC was drafted and after ten years of work, under the direction of law professors Karl Llewellyn and Soia Mentchikov, the groups presented the Uniform Commercial Code to the states and every state has adopted most of the UCC, although Louisiana has not adopted Article 2.

(Thomson West Legal Studies, 2006) (Paraphrasing made) Another admitted benefit of the UCC is that it has allowed modification over the last years to reflect changes in the way businesses operate (Thomson West Legal Studies, 2006, p. 279). 2. How is international business affected by U. S. trade laws? Who do these laws protect? Do you think they are necessary? The international business is affected by the US trade laws in the sense that the US is one of the major players in the international trade among different nations.

That the US currency is recognized all over the world is a proof of the influence of the US laws in the international business. Of course the US trade laws are meant to protect the interest of the US government for it would be inconsistent against US nature to enact law that would not protect itself. The US government for example could impose quota or restriction for products coming from Asia as a result on international trade and a country which depend on the US for its main market will really feel the pinch if suddenly the restriction is too much.

US may, of course, decide to make such policies pursuant to its changing economic and political decisions at it remains a world power in the way things are run in the world. As an American citizen, I submit that it is necessary for the US to make trade laws. It sets the boundaries and leads the US to define how it will balance the use of its resources. For example, it cannot have too much imported banana and locally produced apples at the same time. It would be at the greatest of one's foolishness to have no law to protect itself. 3.

What is the impact of electronic commerce on the entire United States legal system (Meiners, 2003)? 4. Describe the impact of e-business on the global legal environment (Meiners, 2003). The impact of the e-commerce on the entire US legal system is to force the US to revise its present legal rules in order to accommodate the changes brought about by the e-commerce. One example is the rule on evidence that would suffice the requirement of the existing commercial law in the US. One of the types of contracts in the UU is the unenforceable contract, which requires certain contract to be in writing to be enforceable.

The e-commerce the uses of which includes electronic documents might have created different areas on interpretation on whether they can be considered in “writing” or some other form that would for instance include contracts using electronic documents as enforceable or not. Electronic commerce would also move the US congress to protect softwares or applications used by different business under its jurisdiction. This would in a sense bring American legislators to decide what business deserves copyright law protection.

E-commerce transcends boundaries of the different states of US and even beyond US territories. A person in the US for example, can sell something from the Internet to another person in Asia via the E-bay and vice versa. The situation therefore will call for global legal system to address the situation. To therefore describe the impact of e-business on the global legal environment is to invite the governments of the different part of the world to come into agreement in order to formulate laws to govern the international transaction that is created by e-commerce.

One example is on the area of taxation. Ordinarily sales transaction of movable goods entail the payment of value added tax or another name of indirect tax. The seller in such case passes the merchandise to a local buyer who may have the chance to claim input tax as tax credit if he happens to be not a final consumer or a business intermediary. But with e-commerce that has gone beyond the shore of the US, it would be difficult for the US to go after the buyer for counterchecking and possible assessment for the amount of tax that could be part of the sales transaction.

In other words, the e-commerce will create a situation where one country like the US will force its government to sign a treaty or an international agreement with countries where goods and services move from one country to another. This need for global strategy among entrepreneurs around the world to expand business through e-commerce will also bring their own government to adjust their systems under a global set-up. The impact could actually far reaching especially so as to the reality of the different legal systems of the world.

For some jurisdiction, a country might be using the Common Law under the English legal system while another country will be using the Civil Law under a non-English Legal system. For example the definition of contract would be different in different jurisdictions and there the choice of law to govern the transactions of the parties would be best address under global legal system that would promote the objectives any legal system, which is justice.

Reference: 1. Thomson West Legal Studies (2006), the Legal Environment of Business in Business