

The relationships between law and democracy politics essay



**ASSIGN
BUSTER**

The link between law, democracy, government policy, and employee behavior. Up to date, there is still confusion on the clear understanding of law, democracy, government policy, and human rights and freedoms. When studying the concepts of law and democracy, we can not avoid looking at the rule of law. The rule of law can be defined as a situation where the state involves its citizens in the process of making laws. It also requires that the legislative arm of government be separated from the executive and the judiciary i. e. the principle of separation of powers. Lastly it requires that no one should be above the law. With this opinion, we can conclude that without the rule of law, is not possible to achieve democracy. That it is the core element of a constitutional democracy. In understanding the differences and the relationships between law and democracy requires a wider understanding of law, constitution and democracy. In this paper we study the relationship between law, democracy, government policies and employee behavior. The presence of democracy also influences the nature of government policies to be implemented in consideration of the human rights and freedom. Human rights also affect the labor laws and the behavior of workers. In a democratic state, strong civil society organizations are likely to emerge including the trade Unions to advocate for the workers rights (Resenfield, 2001).

The Relationship between democracy and law

To establish the relationship between democracy and law, we should understand the meaning of law and democracy. Law is understood to be the means where decisions are arrived at and implemented in a community. And in any community there is a center that makes these laws. In authoritarian or

<https://assignbuster.com/the-relationships-between-law-and-democracy-politics-essay/>

totalitarian regimes, there is often one person who is the centre of power. In most cases it turns out to a dictatorial regime. In a democratic system, members of a particular community are involved in the decision making process and in issues of governance. Therefore in democratic states, we can define law as the way in which the decisions that were arrived at are implemented by the authorities as a policy that represents the interest of the public (L & D, n. d).

Democracy is defined to be a system where members of a particular society are given the authority to govern themselves. There is always a relationship between law of a given society and the policies governing that society. Public policies have to be integrated into for the law for it to be implemented. Therefore law always provides connection between the democracy and constitution making, as it helps in the conversion of a society's norms or values into a form which the government can enforce or implement. Law helps in consolidating and promoting the interest of a particular community. This is achieved by encouraging the accountability of government by advocating for good governance. Through advocating good governance, it helps in fostering of democracy. Members of a community often elect a representative to present their interest and in the law making process. This is referred to a representative democracy (L&D, n. d).

There has been increased pressure to governments from international bodies and civil societies on the need for democracy in the international law. This was extended to the democracy in the elections in the states that are members or signatories of these organizations. Before joining, these international bodies push countries that are willing to join to form democratic

<https://assignbuster.com/the-relationships-between-law-and-democracy-politics-essay/>

governments. They also help in monitoring of elections among member countries when requested to. Member states are compelled to the protection of human rights, through a political process (Wouters, Meester, & Ryngaert, 2004).

The relationship between Government policy and Law

There is a connection between government policies and Law. Government policies or public policies can only be implemented after being integrated into law. In democratic governments; law is often referred to as the rule of law. In this case, the people are often involved in the process of decision making and governance. These governments are often held accountable by its citizens. They also hold free and fair elections after a specific period of time for example four or five years. In the rule of law, there is the principle separation of powers among the three arms of government, that is, the judiciary, legislative or parliament and the executive arm of government. This ensures that there is proper checks and balances. In democratic states, government policies are often geared towards enhancing human rights, media freedom and transparency. Most democracies are moving away from secret system of policy making to a more transparent one where its citizens can access any information of the government from budgeting to national security. This was prompted by the trend of the use of the system of classification to group the information which did not relate to national security to hide some information from the public. This led to corruption and abuse of offices. In an attempt to bring back the public confidence and restore sanity in the government system, policy makers decided to make this information accessible to the public (Aftergood, 2009).

<https://assignbuster.com/the-relationships-between-law-and-democracy-politics-essay/>

Relationship between Employees' behavior and law

Application of labor laws in a given state is likely to have a direct impact on the workers and employer in that state. In most democratic states, trade unions have been formed to fight for and protect the workers rights. There is also international organization of workers known as ILO under an umbrella body of the UN that fights for the rights of workers. States are often pressurized by the international community to commit themselves to formulating labor laws that meet an international standards set by ILO to protect workers' rights against unscrupulous employers. Protecting the rights of workers is of great importance, it can however be a threat to economic growth. Studies have shown that strict labor laws which are protective sometimes hurt the labor market which is against its main intention of protecting its workers. This in the long run can hinder the overall growth of the economy. Firms may resort to other economical strategies of adapting to the labor market requirements like employing few workers or move to places with less restrictive labor laws (Basu, Fields, & Debgupta, n. d).

Relationship between Democracy and Government Policy

Good governance and democracy can propel economic growth rate of a country. Good governance is promoted by accountability from the citizens. With this, states are able to achieve their development goals as it attracts investors to pump in their capital in the economy and these results in to a rise in economic growth rate. It also helps to improve the peoples' welfare and widening social and economic opportunities and raising the standards of

living of its citizens. Democracy and good governance brings stability in countries even during elections and transition periods (USAID, 2005).

Civil society usually participates in making government or public policy through advocating for the interests of particular groups of people they represent. They also contribute a lot in the process of democracy and good governance. They can act as a channel for passing vital information and enlighten the members of the public. They also help in promoting effective communication between the government and the public by acting as a link between them. In most cases they keep the government accountable. Civil society always participates in promoting democracy by participating in the democratic process through voting, educating the citizens of their rights. They also help to educate the citizens on the government policies and their importance to them. Sometimes the civil societies usually advocate for rights of the marginalized members of the society. The organizations representing these groups can drum up support for some policies and present to various governments on behalf of their members. Civil society has also helped in advocating environmental conservation especially during this time when there is deep concern on the potential effects of climate change due to global warming. Civil society has helped in drawing the attention of the world on the poverty, diseases and human rights abuses by the governments across the globe (AC, n. d). The benefits that arise when involving the citizens in the process of making policies are strengthening the relationship between the government and the citizens. This results in good governance and formulation of better policies. It helps in building the trust of the public in the

system of governance hence promoting democracy and building a stronger civil society that hold government accountable (OECD, 2001).

Relationship between workers' union and democracy

Strong trade democratic unions are often necessary in fight force workers' rights. Trade unions also provided checks to the executive by demanding for transparency. They have been of great benefits to the workers by agitating for better terms of contract with the employer. They have also participated in the formulation of policies in collaboration with the governments particularly in the labor sector by demanding for reforms. However democratic workers' unions have not gone well with the employers. Employers have tried to interfere with these unions especially during campaigns for representation. They have used various tactics such as; threatening to fire workers or better offers if they joined or participated or quit in the unions activities, threatening business closure, and giving transfers or giving hard jobs to workers who participated in the unions' activities. These activities of the employers have interfered with democracy in the trade unions. Therefore the governments and international organizations should come up with policies and laws to protect workers from these intimidations from their employers Trade unions have also been used to push for reforms in the government (Mehta & Theodore, 2005).

Conclusion

This paper has show the close link between law, democracy, government policies and employee behavior. In democratic governments, members of the public are involved in the decision making process and issues of <https://assignbuster.com/the-relationships-between-law-and-democracy-politics-essay/>

governance. Therefore law is the way in which the decisions are made and implemented by the authorities in the interest of the public. Therefore it helps in the consolidation and promotion of the interest of a society. We have also seen the relationship between the government policies and law. Government policies can only be implemented if they are put into law. In democratic governments, citizens are involved in the decision making process and therefore, the citizens are involved in the formulation of government policies. Hence the people have the right to determine the law and policies that govern them. Employees are also affected in one way or the other by law, democracy and government policies. When we have strict labor laws, it scares potential employers away. They may either move to a different location where there are less strict laws or limit the number of work force they employ. This has adverse effects on the economy. Workers' unions have also helped in pushing the government reforms and in policy making. Afraid of the trade unions, employers have tried to interfere with the democracy within the trade unions. Therefore we can conclude that law, democracy, government policies and employee behavior are intertwined.