

Comparative criminal justice

Law



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Criminal cases that have sentences of more than three years are heard in a Land Court and presided over by three judges assisted by six lay judges.

Cases such as genocide or treason and appeals from lower courts are heard in a Land court of appeal and are presided by a five-judge bench.

Japan's criminal justice system, the penal code is based on the German model and is, therefore, very similar. The criminal procedure code guarantees the right of the accused and seems to be more accusatorial despite the fact that the judge is still allowed to question witnesses and decide cases based on the evidence presented by both plaintiff and defendant.

On the other hand, the Saudi criminal justice system is based on sharia, specifically the Hanbali school of Sunni Islam (Fairchild and Dammer 65).

This system gave prominence to the beliefs and sayings of Muhammad, the prophet, and Islam traditions. Crimes such as homicide, adultery, theft, personal injury, and so on, are defined carefully with penalties prescribed for each. As opposed to the German model or the common law, crimes such as homicide are considered crimes against a person, not society, and as such the state administers justice on its own liking. In fact, the victim's family or the victim has the right to prescribe punishment or grant clemency.

As opposed to the German and Japanese criminal justice system, the Saudi criminal justice systems are based on concepts that are aimed at simply rendering punishment to criminals rather than rehabilitating them. The Chinese criminal justice system is also concerned more with reforming criminals and not retribution; as a result, death sentences are, surprisingly stayed in instances where a prisoner is considered to have reformed. One cross-cutting similarity in the criminal justice systems of all these four

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countries is in their procedures, in which the judgment of lower courts can be appealed in higher-level courts. Additionally, it is clear that their systems are coded and criminal offenses have set penalties for each type; judges also seem to have the burden of making a judgment based on evidence without the help of a jury as is in the common law.