

Various types of jurisdictions

Law



The paper "Various Types of Jurisdictions" is a delightful example of an essay on law. Jurisdiction refers to the powers that the courts have to hear and determine cases. Questions regarding the inauguration of law, validity, and value lie on the authority of the court (McVeigh & Dorsett, 2007).

There are various types of jurisdictions such as limited, general, appellate and original jurisdiction. Limited jurisdiction refers to powers that courts have to hear and decide certain types of minor civil and criminal cases. Such cases include giving offenders bail or hearing particular cases which are of serious nature. Courts with limited jurisdiction may listen to various types of specific offenses such as divorce, child custody matters, and juvenile hearings.

General jurisdiction refers to powers given to the court to hear and decide all the cases occurring anywhere within the state, ranging from severe criminal cases to the prettiest as well as civil cases. Courts with general jurisdiction have powers to issue injunctions and prohibit individuals from performing specific acts, or requiring them to perform particular actions. Appellate jurisdiction refers to powers reserved for courts to hear appeals from courts with limited and general jurisdiction. Appellate courts have no powers to hold trials or hear evidence; however, they have the discretion to make decisions on matters regarding the law and issue formal written decisions and opinions. Original jurisdiction refers to powers that courts have to hear a case on a first instance. Most courts apart from the courts of appeal have the ability to listen to cases in a first instance (National Research Council, 2001).

Territorial jurisdiction refers to powers given to the courts based in a particular territory, governing the population within that area. Most states in the United States, have exclusive jurisdiction regarding their territory and <https://assignbuster.com/various-types-of-jurisdictions/>

have powers to make and enforce its domestic law through its local mechanisms (National Research Council, 2001).

Jurisdiction affects criminal prosecution since specific statutes and provisions of the constitution controls most domains. The statutes provide a distinction between criminal and civil cases as well as stipulates on what gives jurisdiction place where crime the crime was committed. There is difficulty in providing access to the criminal who committed a crime in one state but escaped in another country (Inazumi, 2005).

Since most states in the U. S. A, have different territorial jurisdiction, defendants can commit an offense and escape to another country having different laws. The escape makes it difficult for the police in the receiving state to prosecute that offender. The U. S law does not give the federal government total powers the same as those given to the police. Enacting a national criminal code which has the territorial jurisdiction in the United States, the United States Congress must act within the powers granted to it by the constitution, to solve and prosecute crimes that involve several states (Gardner & Anderson, 2015).

The nature of the offense and the type of crime determines the jurisdiction applicable to those crimes. There are various courts, such as the International Criminal Court (ICC), which has the power to hear cases that involve a crime against humanity, war crimes, and genocides. The international criminal court has the territorial jurisdiction to hear and determine matters only to those states that have signed and ratified the Rome Statute and incorporated them into their state laws (Becker, 2005). Criminal courts split into two branches, that is court handling serious crimes, and those handling petty crimes. The type of offenses determines court

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jurisdiction in criminal cases, that is if it is a felony case, the district court has the authority to hear such cases, and if it is a misdemeanor case, it is heard by a judge with less jurisdiction such as courts with limited jurisdiction (Becker, 2005).

The United States has two court systems, that are the federal courts and state courts. The different central and judicial system of the state serves different states; hence each state has its court system. An individual is tried in a state court when he violates state laws, while federal judge tries those individuals who violate federal law. The federal and the states court hear and determine the crime in instances where the nature of offense involves both violation of federal law and state laws (Del, 2013).