

# Law and criminality perspectives



**ASSIGN  
BUSTER**

Laws are rules of conduct to guide all people; they are rules that can be enforced by a legitimate authority. More laws are made and enforced as our world and society becomes increasingly complex. Laws are basically rules of basic behavior and order written down by man as an attempt to help us all live together more happily and safely. Whether they are written or not, they are the basis for all societies, because without some form of agreement and co-operation between people, society would not exist.

Most laws are for our own benefits and protection; they preserve public order and policy. Without laws, a society will be an anarchy, dysfunctional, full of chaos, injustice and immorality. Without laws, we would all live like animals in nature, each person pursuing one's own desires with no regard for the effects of his or her behavior on others and this would lead to suffering.

Laws, in general do not try to limit the freedoms that people consider necessary, but rather to secure these freedoms by prohibiting anyone else from violating or robbing them. Laws prevent people from harming others, and do whatever one feels like to anyone else by setting punishments for those harms if they are committed. Another purpose of laws is to resolve disputes, since laws are consistency rules made to be applied in almost every situation. Though many of us do not need laws to guide us in everything we do, some others need very clear rules and boundaries to live by. Not everyone will agree or like every law given, but rational people understand the need and purpose of laws.

A crime is an act against the law and punishable by the law. Certain laws that exist would be considered by most of us as silly or unnecessary. Some of those laws are still enforced and may be even more enforced than other

laws, because the government, often times makes a lot of money off of certain laws. There are usually so many laws from a government that if we were to read the whole list, we will probably be surprised at the number of laws we break on a regular basis without even realizing it. Most common examples are speeding, texting or talking while driving, littering, downloading music illegally and others.[i]Ignorance is one of the causes for people to break laws; it is however not accepted as an excuse. Desperation is another cause, someone who does not have enough food maybe driven to steal food, so people living in poverty may commit crimes as a way to survive. Many break laws out of greed and selfishness, for example committing fraud, theft or murder to gain what belongs to someone else deceitfully and unfairly. Others break laws out of malice, anger, jealousy or just carelessness.

In general, the government of nations create and decide which laws to pass, as making laws to keep order is a part of governing. In the United States, laws are written and made by the Senate and the House of Representatives which make up the Congress.[ii]In Australia, laws are made by its parliament even though the country is a constitutional monarchy and has a queen.[iii]In Saudi Arabia, as one of the few absolute monarchies that still exist today, the creation and decision about laws are up to the king and his chosen ministers.[iv]Aside from laws of independent nations, there is also international law, which are laws guiding individual nations' conduct and their relationships with one another, the international organization, the United Nations is responsible for this. The “ International Bill of Human Rights”, which was first drafted as “ a common standard of achievement for

all peoples” is widely accepted as the list of rights that should be kept and respected by all states. Almost all countries that exist are members of the United Nations, and are obligated to respect the basic international human rights laws.[v]vi

The International Court of Justice (based in the Peace Palace, The Hague, Netherlands pictured above) is the principal judicial organ of the United Nations. The ICJ settles legal disputes between states, who must agree to abide by the Court’s jurisdiction before their case will be heard.[viii]

There are different legal systems that are in use throughout the countries in the world, with three main ones. The most common legal system is “ Civil Law”, which is the legal system of France and many nations that were conquered by France, including many countries of Latin America. In the UK, and countries that were colonies of the UK, including India, USA, Australia and many others, have legal systems which are based on “ Common Law”. Common law is determined by judges, it can be applied to many different situations and it is more flexible. The Civil Law system on the other hand, is a collection of laws, they are not decided by judges or open for interpretation. Both systems have advantages and disadvantages. The third most common law system is religious Islamic law, which are enforced in Muslim countries, the “ Sharia” and the “ Fiqh”. This law is believed by Muslims to be directly from God and so cannot be changed by even a government or King.[ix]

## **X**

Problems arise with different law systems in different countries. Examples of this are the cases of two British couples who were arrested and served jail

sentences for kissing, and showing intimacy in public in Dubai, United Arab Emirates.[xi]According to the legal system of the UAE, what they did was indecent and offending behavior.[xii]Disputes arise as these couples were foreign citizens, and in countries where Islamic law is not practiced, it would be considered extreme to arrest or imprison people for kissing or displaying affection in public. Some other controversial issues surrounding different legal systems are: the one-child policy in China[xiii], having a national dress code like that in Saudi Arabia, the capital punishment, executions by beheading, amputation of hands for theft, and others.[xiv]Torture, or other cruel punishments like amputation are prohibited by international human rights standards, but the punishments and seriousness of crimes differ in different legal systems. This makes it difficult to judge a law or case fairly and morally. Practices, laws or policies such as controlling what people wear too strictly, harsh punishments such as death or amputation for crimes like stealing, or limiting the number of children a person may have may be viewed in an international perspective as violating human rights. The line between just and unjust in the legal systems we have today is not clear so such disagreement problems will remain.

### **Local/National Perspectives**

The National Assembly of Vietnam is responsible for making and passing laws. The legal system practiced in Vietnam is based on communist legal theory and the French civil law system. As a Socialist state, the country's government has much control over the media and organizations within the country. The Vietnamese government was able to outlaw many religious organizations, touching on the freedom of belief and has been criticize. As

the country increasingly involved and joins into many international organizations, it has been more sensitive to human rights abuses due to global criticism. Vietnam is relatively safe with average crime rates. A few of the major crimes include corruption, illegal drug use and digital piracy.[xvi]

Since economic liberalization, corruption has risen sharply in Vietnam. In the Transparency International's corruption perception index for 2008, Vietnam's corruption rate ranked 121 out of 160. A cause for high corruption rate in Vietnam would be the very low salaries of public officials. In 2006, the minimum salary for state employees is still only 28 dollars per month after it has been raised by nearly 30 percent. It has gotten so bad that after a corruption scandal in 2008, Japan, Vietnam's biggest donor in development assistance suspended its aid to Vietnam, saying that Vietnam must take stronger measures in dealing with corruption. Corruption is a threat to investment and aid and it is a big problem on Vietnam's road of development. There have been attempts in reducing this problem; an example of this is Vietnam has signed the "United Nations Convention Against Corruption", which would criminalize the acts of Vietnamese officials paying bribes abroad or accepting bribes from foreign companies.[xxiii]

According to Business Software Alliance, the largest, and one of the most important of IT groups in the software industry that exist, Vietnam had the worst rate of software piracy in the world. A very large number of all kinds of software, movies and music are pirated, meaning they are illegally duplicated or distributed. In 1998 the digital piracy rate of Vietnam ranked first at 98%, this means that for every 100 copies of software application, 98 are illegal. In 2004, this number was 95%, and it is estimated that for each

legitimately bought package of software, 20 illegal copies are made on average. A cause for this is many countries seldom make, let alone enforce laws to protect intellectual property. It is understandable that piracy is thought of as a path to enter the information and technology world with less expense, it actually hurts the country's own economy. As piracy spreads, software developers are deterred from entering the market. Piracy, and the lack of laws to prevent piracy will not give a decent opportunity for citizens of a country to establish a software industry, preventing the country to become high-tech. In 2010, software piracy rate of Vietnam is 85 per cent. As result of the big efforts of the government and business community to protect copyright, despite still having a very high rate, through the years the percentage has gotten lower and there is no doubt that there has been progress in reducing piracy.[xxvi]

### **XXX**

Drug trafficking is present among Vietnam's major crimes. It is estimated 200, 000 Vietnamese, as young as 15-16 years old use opiate drugs, with 50, 000 people using heroin. About 75% of all identified drug users in Vietnam are under 23, according to UN's Drug Control Progamme. Most people with HIV, about two-thirds – are drug users, and this virus is spread along with drugs. A cause for this is unemployment in the country; much money is gained just for transporting drugs from one city to another. The lack of money also keeps the government from being able to help drug addicts or do very much. To deal with this major crime, the Vietnamese laws against drug trafficking are some of the harshest and most severe in the world. In 2009 a number of crimes have been removed from the list of crimes punishable by

death, including rape and bribery, but not drug trafficking. The possession or smuggling of a certain amount of drug in Vietnam could result in the death penalty.[xxxi]

## **Family/Personal Perspectives**

Most of us would consider ourselves innocent law-abiding citizens, but this is of course ignoring the mostly small crimes we commit regularly if not daily. If even the smallest act of crime was not over-looked, every one of us would be classified as criminals, including my family, friends and myself. Common offenses include stealing office supplies for personal use, littering, talking while driving among many other things. We all at one point or another have excused ourselves by saying certain laws don't apply to us, or since everyone else is doing it, why must I not? This however, doesn't really change the fact that we're all quite guilty as law breakers, whether we want to acknowledge it or not. Like with almost every other issue we created in the world, some of their causes are our pride and will to resist or not take seriously the authorities we have above us, whether the authority is good or bad and there is also people's tendency to ignore, or twist the truth to one's own preference and advantage.

In my local community there isn't a high crime rate, or at least it is not very obvious and I feel relatively safe. Like most large, densely populated cities across the world, petty crimes are a typical problem. Although violent or armed crimes occur, they are rare, while little crimes like pick-pocketing, traffic violation and speeding occur regularly. In Vietnamese cities, motorcycles are the most commonly seen type of vehicle, and bag, jewelry or other belongings of people being snatched by motorcyclists are quite



common. These types of crimes can result in serious injuries as in the process of purses or bags being snatched, the straps across the victims' bodies could drag the victim along the ground by the thief's motorcycle. There have been incidents involving crime, like mirrors on my family and friend's vehicles being stolen often, and risks of frauds but there has not been a case where we are seriously affected.

To come up with solutions to criminality, we must look back to its causes. Many break laws out of desperation, greed or lack of knowledge. Law-breaking starts at a young age, and education is a fundamental cure. A person with a better education and qualifications has a more hopeful future, and will less likely be unemployed and driven to criminality to survive. An education with focus on ethics and values should be able to reduce crimes committed out of selfishness and greed. Thus, a key to the criminality problem is giving all people and criminals a fair opportunity to be trained in to responsible citizens.