

# Law in a changing society

Law



Law in a Changing Society Introduction The Australian legal system can be described as one based on the fundamental belief in the rule of law. The law aims to treat all individuals alike. However, the changing society requires that the Australian law keeps up to date with the changes been experienced in the society. This paper seeks to discuss the various aspects of the Australian legal system and decide if the processes are keeping up to date with the changes in the society. The paper will compare the adversarial system and the inquisitorial system.

### The Adversarial System

The adversarial system in Australia has always left it to the parties involved using their resources to collect evidence. This can be put forward as an ideal solution to solve legal issues. Parties involved in the process, therefore, take it upon themselves to conduct a thorough and conclusive investigation on which they will base their argument during the trial process. Whereas, this has always been an ideal solution there are factors that should be considered. The assumption made by the legal system that all parties involved in a case have equal resources to carry out investigation may not always be correct (Parkinson 2009, p. 46). The system is, therefore, likely to lock out necessary evidence on account of insufficient resources to provide this evidence. The system further fails to recognize parties that may be disadvantaged by factors such as disability and race.

The law governing residential tenancies in Australia does not include boarders and lodgers. This means that when faced with a legal challenge, they can only seek justice in the Supreme Court. At the Supreme Court, they will have to argue their case through the traditional adversarial process. The cost of filing a case currently is \$894. This considered, the process becomes <https://assignbuster.com/law-in-a-changing-society/>

too expensive for a person who wanted to seek justice.

### Inquisitorial System

Over the last 30 years, the Australian legal system has sought to adopt some of the aspects of the inquisitorial system. In the section of anti-discrimination law, the Australian law now provides that there should be an investigation by an independent body. This can be done before the disputing parties get brought together to solve their disputes (Parkinson 2009, p. 48). The law can be seen to have adopted some of the aspects of the inquisitorial law in the western countries.

At the state and territory level, the law provides that the decision making body for allegations of discrimination should be a tribunal. The tribunal looks for evidence that is relevant to the case. The tribunal manages to go beyond the evidence provided by the parties. This makes the whole process of justice fairer than it could be had the inquisitorial system not been used.

### Conclusion

The traditional Australian law gets based more on the adversarial system than it gets based on the inquisitorial system. Whereas the adversarial system has always served to provide justice to the parties, there is a growing need to adopt more of the inquisitorial system. This is because the inquisitorial system can be seen to be more thorough in its investigations than the adversarial system.

### References list

Parkinson, P. (2009). Tradition and change in Australian law, Pyrmont, N. S. W., Thomson Reuters/Lawbook Co. pp. 45-49