

Justice prevails at the end of the day, but not in a fair manner

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Is Justice Just

It is a debatable question of whether justice is just. The intention of having a justice system is to ensure that all people have their rights without any prejudice. Across the world, the legal system has been left with the responsibility of serving justice to the people. The extent to which the intended justice is attained is questionable. However, credit must be given to the legal system that controls the decisions made by people. The legal system induces punishments to the people who go against the law of the land. What is, however, considered to be legally just may not be said to be socially just at all times. This is because the principles and assumptions of social justice are not taken care of in the legal system. Therefore, there are areas in which social and legal justice sail in the same direction. In other cases, they sail in the opposite direction. For instance, criminal law provides for the various forms of punishments that could be accorded to a person who is found guilty.

However, it continues to be clear that different judgments are made on different people, even though they committed the same form of crime. In other cases, some groups of people are seen to suffer more in the hands of the legal system than others suffer less (Robinson 2010). For instance, black people are subjected to quite harsh judgments that land them in jail as compared to the white majority, who at many times commit similar acts. There is a need to reconcile the constitution and the social justice. Social justice assumes that for there to be justice, the law has to be applied equally to all people. This means that the law offenders should suffer the same fate while the law-abiding citizens should enjoy the same benefits. There should be no better people in the eyes of the justice system. In case the discrimination continues, the justice claimed in the corridors of justice cannot be considered to be just.

Balancing the principles in the constitution and the reality set in the articles

To some extent, the Constitution is seen to follow a pathway in the search for justice. However, this does not happen conclusively. For this reason, there is a difference between the provision made in the constitution and the reality on the ground. To balance the two, the Constitution needs to be subjected to the various principles of social justice and their respective assumptions.

First, the constitution needs to accommodate the need to have equity in place of equality. The

constitution provides that people should be treated equally. In addition, it claims that there should be equality in the distribution of resources for all people (Kamalu et al., 2010). However, the reality on the ground is that equality does not lead to justice. In fact, equality requires the sharing of the available resources in equal measures. However, social justice requires that the resources and all other aspects need to be distributed based on the needs of an individual. As such, some of the provisions of the Constitution do not just require that all people be treated and served in equal measure.

On the other hand, the Constitution needs to ensure that the diversity of the people is well respected. A country holds people from different regions as well as ethnic groups. As such, there is a need to have all of them on board in the administering of justice. However, the constitution provides that certain languages are more common than the rest. By doing this, the constitution treats some people as being better than others. To balance the provisions of the constitution and reality, there should be a capture of all the requirements of all the different people in a place. For instance, there should be a provision that people from different ethnic groups can be able to access the different facilities in government places without having to speak certain languages. Therefore, there is a need to respect the fact that diversity is there to stay. It is worth appreciating that no group is better than the other on the basis of color or language or even the origin that they claim.

The other way of establishing a balance between reality and the provision of the constitution is by relating the need for a supportive environment in both cases. For instance, the constitution states that it is the right of all people to have safe environments to stay. However, the reality indicates that the ability to stay in a safe environment depends on the wealth level of the respective individuals. Social justice requires that all people be treated equally and thus be able to live in safe areas and be protected from dangers. The constitution, therefore, needs to be more elaborate on its stipulations. Otherwise, it becomes more confusing of what justice means with all the discrimination exercised in the offering of service to the people.

The role played by crime control perspective in my thinking

I feel that the crime control perspective in regard to the application of the Constitution should be just for all people. I feel that all the people who commit similar crimes should be tried in the same manner and convicted in the same way. I feel, therefore, that there should be no one who is treated better than the rest while they are all accessed by committing the same form of crime. For instance, if several people are arrested for stealing similar forms of commodities, they need to be arraigned in court for a similar limit of time and given the same punishment. If one is given a life sentence, the rest of them should also be punished as such. This is what fairness means. A constitution is a tool that is meant to enable the people to attain fairness in places where this could not be possible. The role of the constitution is to enforce fair sentencing for culprits to prevent other people from engaging in

such illegal acts.

If justice is fairly applied from the crime control perspective

To some extent, justice is applied from the crime control perspective, but this does not happen in other cases. First, justice is applied when some people are refrained from harming others or even taking what is not theirs by force. When a thief is arrested and [prosecuted, justice and fairness are served to the victim of the crime. This also serves as fairness and justice to the rest of the community as one is denied the freedom of stealing and disturbing the peace of the rest of the citizens (Kamalu et al., 2010). Thus, justice prevails as the right to own property, freedom of movement, and right to life are all protected under the law. As the law applies to all people, this is fairness. The law is not selective on who should be prosecuted and the one who should not. It provides that anybody who goes against the law needs to be prosecuted to restrain such behaviors in the future.

On the other hand, justice fails to be applied on various occasions. This is seen from the time of being arrested to the time of prosecution and giving of a verdict. In many cases, the situation under which the criminals are arrested is different (Robinson 2010). Some are arrested and subjected to lots of humiliation before getting to the courts of justice. On the other hand, others are not even arrested but are asked to avail themselves of interrogations. This happens even though the same crime is committed by different people. In many cases, the rich people are not retained in the cells, while the poor are retained for a long time before being arraigned. On the other hand, same criminal court proceedings take a different amount of time. In both cases, the justice process takes effect. However, the process is not fair, as some suffer more than others. Justice is not also served fairly at the time of giving a verdict regarding criminal proceedings. In many cases, the same crime suspects are punished differently. For instance, some receive a few years in jail while others receive more years despite having committed a similar crime. Justice prevails at the end of the day, but not in a fair manner. Justice is, therefore, not just.

References

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