

Political Involvement In The Judicial Decision-Making Process

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Introduction

How political factors are impacting the judicial decision making process is a topic that has taken the attention of everyone these days. But there arises a question that exactly does it mean when we talk about the political system either shaping or de-shaping judicial behavior. Unfortunately, no one has a clear answer on this issue. The people who are practicing in the courts in the United Kingdom say that the political factor is a very wide phenomenon[1]. Some people say that it is due to the law's indeterminacy, whereas some are concerned about the short-term policy preference of the judges. Some talk about the constitutional ideology whereas some talk about the influence of electoral reforms.

It is important for us to differentiate between the meanings of these terms. Firstly, there are a lot of types of political influence that vary from each other. In some aspects, there is significant evidence that the political grounds affect judicial behavior. At the same time, a different school of thought says that there is negligible evidence of political involvement in the judicial [decision-making](#) process. Some people think that there is no evidence of the connection between political factors and judicial decision-making and say that all the claims that are made on this issue are proven to be wrong[2]. Therefore, if we say that the judicial process is affected by political factors, then we have to clearly identify what we mean by the term politics.

Discussion

Questions about the role of politics in the judicial system are sometimes connected with the question of how the courts are working in the British government. There arises a question that how the judges are responding on the issues that are directly related to the political issues of the country and whether the decisions they make on these issues are really reflecting the rule of law in the country or if they are making those decisions just to praise any other party? If the decisions are being made due to favoritism of the judges or due to the personal likes or dislikes of the judges, then this is a big question on the transparency of the judicial system because personal political views of the judges will be over through the legitimacy of the respected institution.

Most practitioners in the British courts generally think that the way we define politics generically, that generic term of politics plays some role in the judicial decision-making process[3]. But still, this theory gives rise to a whole new debate on how the term politics is affecting the courts and what are the

reasons that are making this term a symbol of fear. The general concept of politics which applies to the judicial system is known as judicial discretion. According to a recent study, judicial decisions are considered to be based on political grounds if they are not implemented by the legal authorities as per the verdict.

Since the occurrence of World War II, the most important constitutional change that has come in the United Kingdom is the rise of the importance of the judicial system. A question that is under debate in the United Kingdom is what are the proper functions of the judiciary and to what extent it can go before it can start interfering in the matters of the government and before it can trespass on the legislature of the democracy.

While writing the judgments, judges analyze and apply various sources from the law, and most of the time, while writing the judgment, they differentiate between them. Sometimes, while writing the judgment, they undergo a proper legal examination through which they study all the rules and regulations that are required to make a decision in a particular case. The result of that examination is called ratio decidendi, which is called the reason behind the judgment².

The role of a judge is to listen to the arguments of both parties and to give a decision that will resolve the dispute between them. While presenting the case in the court, both of the parties think that they are right and can prove their stance correct and can succeed in the case by giving substantial arguments in the court. Therefore, at this stage, it becomes difficult for the judge how to make the right decision. To make a rational decision, the judge has to think according to the rules and standards of the Constitution. But we have seen that political influence has affected many decisions of the courts where the administration is bound to implement the decision by the court, but the administration does not implement that and thus jeopardizes the verdicts of the courts.

We have seen many times that the political elite affects the judicial decision-making process. For example, if there is a case in the court that has been presented by one political party against the other, obviously, the court cannot make both of the parties in a case. Therefore, after the decision is made, the party against which the decision is being made starts not only criticizing the court but start saying that they won't be accepting this decision by the court. This has especially been seen in the developing countries where it is very common. If we talk about Asian countries like India and Pakistan, this phenomenon is very common there. The political elite always try to affect the judicial decision-making process, and god forbid, if the decision is made against them, then they start protesting and never accept the verdict of the court¹.

The role of politics should be ended from the judicial decision-making process. It is not only a violation of the law, but it also affects society and every person who is living in our surroundings.

The Feminist Judgment Project

It is an imaginative and unique project that collaborates with groups of female activists who are working on writing feminist judgments on famous cases that were originally presided over by male judges[4]. Many of the verdicts originally written by the male judges come into a contradiction as the female activists and the legal practitioners think that the original decision was made on the basis of biasedness^[5]. But this is not the case at all times. Sometimes, these activists agree with the original decisions.

Conclusion

The political elite of this era is definitely giving a hard time to the judicial system in order to make verdicts of their own will. The judicial decision-making process is a process that needs to be strong enough that it can make any type of decision without the interference of anyone. Without the interference of the political elite, the general public, or any other, the decisions it makes should be in the favor of the general public and benefit the maximum number of people. The violation of the rules and regulations on political grounds has become a common phenomenon in our society, but to make our nation more successful and to flourish in the world, we have to get rid of this most persistent headache.

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