Code of Ethics and Law

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Introduction

The code of ethics and code of law assume a critical role within the structure of the criminal justice system. The legal profession is essentially derived from the ethical principles which were observed in the previous decades and were later formulated and consolidated by the provisions of law. Primarily, a code of ethics underpins a set of principles of conduct existing within a body which guides and regulates the nature of behavior and decision making. The fundamental purpose of the code is offering members and other persons with an ethical framework to make ethical choices in their conduct. Law code or a code of law lies at the very heart of the core legal provisions. It is a kind of legislation which purports to thoroughly encompass a complete structure of laws or a specific body of laws through the process of codification and promulgation. Similar motivations and process are utilized in the promulgation of several civil and common laws system but their usage is different. Both codes of ethics and law contribute toward regulating the state of affairs in law and criminal justice system. Their relation is worth examining to assess the differences between the interpretations and implications in the criminal justice system.

Differences

Laws can essentially offer a neutral view on ethical issues or they can be harnessed to endorse the ethics. In simple terminology, the law is comprehended as the organized body of accepted regulations and rules promulgated by the governing authority as regional, national or international bodies. It is primarily aimed at governing the behavior and action of the members which is enforced by levying penalties(“Relationship Between Ethics and Laws | We Think, Therefore We Are Relationship Between Ethics and Laws | The site is about our reflection on certain issues.,” n.d.). However, a wide range of people tends to juxtapose law with ethics. There exists a stark difference between both of these terms as the ethical code is inherently deployed to guide the system or society to choose right and wrong in a particular situation. Unlike law, it regulates a person’s conduct and behavior to strengthen the moral and ethical values in society. Besides, the law presents a set of distinct regulations while ethical code highlights the set of essential guidelines. One of the most critical difference is the very nature of documentation and implementation of the code of law and code of ethics. For instance, the law is explicitly published and expressed in writing but ethics are always in an abstract form and none can impose the obligation of ethics on the system through punishment or coercion.

In addition, violation of the code of law manifests in punishment as imprisonment, fine or other severe treatment. The ethical code is devoid of punishing a person for violating the ethics. The binding nature of laws makes them have explicit consequences as punishment, forgiveness or similar implications. Laws and ethics are essentially opposite to each other as directing and guiding a person to act(katharina.kiener-manu, n.d.). The former is accepted universally while the latter underpins the essential human conduct that is agreed upon by a majority of people. Each person has deemed equal in the eyes of law and ethics that nobody is inferior or superior. It is noteworthy to highlight that the code of ethics can be different within a particular system based on the norms, beliefs and perceptions. However, the code of law is always uniformly observed within society regardless of the discrepancies and differences in the beliefs of people.

The Relationship between Ethics and Laws

Laws and ethics are intimately linked with each other. Laws are a reflection of the minimum ethical behavior observed in a society. It is not imperative for both ethics and laws to overlap but they can combine the way society should respond to the specific circumstances. Besides, the most significant relationship between them is the virtue of a morally right and illegal act. For instance, if a person robs a crooked rich person to help poor communities, the ethical paradigm will commend the act in true letter and spirits. The law offers a contradictory interpretation of the matter. The person will be considered to have performed an illegitimate act because the code of law prevents from committing such act or else the person is punished as per legal provisions(“Code of Ethics - Academy of Criminal Justice Sciences,” n.d.). One of the essential guidelines of ethics is obeying the state of law thoroughly. The statement is an explicit illustration of the argument that laws are fueled by the ethical interpretation but laws do not necessarily adhere to the ethical provisions as discussed above.

Furthermore, the historical context of laws reveals they are critically derived from the provisions of the combination of ethics, fairness and equity. Laws can be rooted in ethics and act in an unequal manner. The viability and rationality of ethics are based on the perception of society and the code of law can never enforce the adherence to an ethical or moral principle. In this context, a wide range of philosophical and legal experts have advanced to state their views.

Cases in the United States Coinciding with Law and Ethics

In the United States of America (USA), the principle of ethics in an unwritten or written form not only organize the legal practices but also highlights the fundamental basic assumptions. The cases and lawyers often rely on these assumptions. The ethical paradigm in a democratic state as the United States calls for sanctioning additional responsibilities on the lawyers as the public responsibility with the private interest (“Fostering Innovation in the U.S. Court System: Identifying High-Priority Technology and Other Needs for Improving Court Operations and Outcomes | RAND,” n.d.). For instance, when a witness is telling the fundamental truth, whether or not the lawyer should cross-examine by undermining him pertains to the ethical provisions rather than the code of law. These issues ultimately manifest in creating a conflict of interest. For instance, the system prevents the attorneys to present more client concurrently to further the interest of a client and enabling the conflict of the other. The lawyers are forbidden to testify a confidential communication between the client and himself without the permission of the client in the United States of America (USA)(“Ethical challenges for psychology in the justice system,” n.d.). However, there may rise the need to disclose the information when the attorney is obliged to adhere to the interest of the state.

Moreover, lawyers essentially define the state of affairs related to the legal and ethical code when dealing with the client and the criminal justice system. The legal profession in the US has essentially recognized the responsibility to serve the needy without compensation. It has caused the emergence of the paid legal service for the poor as the public defenders and legal aid societies. The fee is dependent on the outcome of the litigation especially in the cases involving the automobile accident and negligence cases. The legal code of law accepts these values as ethical and crucial. The fee is an agreed proportion of the recovery. In cases where the outcome cannot be explicitly predicted, the attorneys may also assume the risk of being deprived of the fee. The free aspect of legal aid has contributed toward the removal of the need for a poor person to face such transaction but legal aid is never available to those who belong to the middle class. In other states than the United States, the contingent fee is prohibited. They are also not allowed in the United States in divorce and criminal cases to secure the pardon or the enactment of the legislation.

There exist a legal and ethical duty in the cases to disclose the information to the defense which can mitigate the punishment or exonerate the defendant. The economic globalization has aided in essential ways to the expansion of the legal profession across the world but has also caused a conflict between the ethical and legal paradigm. Irrefutably, the legal profession of several states has struggled to establish regulations to address ethical issues.

Conclusion

The code of ethics and law assume an instrumental role in the paradigm of the national, international and regional body of laws. There exist stark differences between both the terms which are further categorized into different dimensions. For instance, ethics are the guidelines and framework established to assist people to make decisions and choose the option. The code of law highlights the obligatory provisions which ought to be observed regardless of the circumstances or the violator is subjected to punishment as imprisonment or another charge. Law is derived from the ethical values as reflected in the historical context while the ethical values stem from the societal norms, beliefs and values. The key factor is interpreting the differences and the intricate relationship both of them. As mentioned above, the law is discrete, written and obligatory to be observed while ethics are in an abstract form which are often shunned by society. The domestic structure of the United States exemplifies several cases where the legal provisions and ethical code coincide and create a conflict. The prosecution is the primary element which faces impediments in the dimensions of the code of law and ethics.

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