

criminal

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Submission date: 30-Apr-2019 02:21PM (UTC-0400)

Submission ID: 1122300474

File name: The_power_of_national_government.docx (18.86K)

Word count: 1176

Character count: 6219

The Power of National Government

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The power of national government

The united states of America has a government with the national government (constitution of USA, article 2) headed by the president. There are also states which has also a government. The national government is headed by the president who has a term of 4 years. Power in the USA is divided into national and states governments where the two levels work independently but rely on each other (Keitly, 2012). The USA national government has the power which is shared among the tree branches of the federal government, the legislature, executive and the judiciary. The national government powers are either inherent, express or implied (Keitly, 2012).

The express powers of the national government are among others (USA constitution article 1) are: declaration of war and peace negotiations, maintenance of armed forces, treaty negotiations, imposition and collection of taxes, issuance of USA currency, borrowing of leans on behalf of USA, regulation of naturalization. The inherent powers are powers bestowed upon the national government by virtual of being the federal government. They are not expressly provided in the constitution these powers are fewer in number (Keitly, 2012). Such powers like immigration, deportation of aliens, diplomatic recognition are among the inherent powers of the USA national government.

Implied powers of USA national government are the powers that can be derived from reading of the express power under the USA constitution. Keitly (2013), such powers are construction of power dams, transportation of stolen properties across states and others. The power of the United States National Government is not absolute it is limited. Articles of confederation (1781) which was ratified and adopted by USA made USA a limited government. The government of the USA do not have absolute power, the power is limited via the bill of rights where the state is

prohibited from interfering with private citizens rights (Allen, 1991). There are other powers expressly provided to be the power of state governments while other power is practiced by the people directly. There is ² a relationship between the states and the national government. There are some functions that are concurrent between the national and the state. Such functions are: taxation, law making and enforcement, establishment of banks and giving them charters, establishment of courts and money borrowing. (Khen academy) These powers are shared among the two levels of governments. The two level cooperate in the discharge of aforementioned functions.

The USA constitution article 1 section 8 delegates the power to the congress to legislate on tax rates. Only the congress can vary the rates of taxes in the USA. The entire constitution delegate powers of to the tree branches of the government, the executive, judiciary and the legislature. This ensures that there is checks and balance which in totality prevents abuse of power by one of the branches. Legislative power is given to the legislature, interpretation of the law is given to the judiciary while the enforcement of the law is given to the executive.

In conclusion, the USA government power is practiced in two levels, the national and the state level. The national power is delegated to the legislature, executive and the judiciary. The state government has some distinct powers while in some instances they share the power with the national government. The USA have a limited government system.

Main types/ principles of law

Generally law is not one entire body, it is made up of small branches which are related but distinct. There are different ways of classifying the law which leads to distinctions and further sub divisions in the study of law. We can use the scope of application of the law as one of the

criterion of classifying law where we get national and international law. We can use the criterion of who is affected by the law where we get private and public law. However, the major criterion used to distinguish the law is the use of law, is it used in private litigation or public litigation. In this mode of classification we get criminal and civil law. The USA legal system is divided into civil and criminal systems. Criminal law deals with justice system deals with protection of the society from harm. It deals with public protection where the state is a party (Gaines, 2009). The state is responsible of initiating and concluding litigation against an accused person. Civil litigation on the other hands, is concerned with disputes between individuals. It is a private law system where the litigants are individuals complaining against each other. The state only provides the avenue for dispute resolution which is the court and the machinery.

Civil and criminal law has similarities and also differences. This occurs in their application and scope of litigations they are applied in. distinction of civil and criminal law can be easily drawn. Dyson (2015), came up with the distinction of criminal and civil law. Criminal law is seen as accused centered while civil law is plaintiff centered. Criminal law deals with commission of forbidden acts or omission of authorized act, civil law deals with human conduct and does not necessarily need to be legislated upon. In criminal law the state is a party to the suit while in civil law the litigation is between individuals. These are some of the many distinctions ⁴ between criminal and civil litigations. The Barden of proof in criminal litigation is on the state where the standards is beyond ⁵ reasonable doubt while in civil litigation is on the plaintiff and the standard is on basis of probability.

However, Criminal and civil law has similarities. They are not entirely different from each other. Fredriche (2010), both criminal and civil law needs intention. A capable mind have to be established. The only distinction is the level of prove, for criminal needs prove beyond

reasonable doubt while civil is prove based on probability. In both the accused and the defendant suffer as a consequence of the wrong or offence committed. The accused is jailed or given a fine while the wrong doer in civil law is made to pay compensation in form of damages. In both instances there is deterrent effects due to the consequences suffered.

In conclusion, the law can be classified into different ways using different criteria. The criterion used brings a different result in the distinctions of law. The major distinction, is the criminal and civil law. These distinct branches of law has differences but also have similarities. All these branches either criminal or civil, provide justice to the society by promoting social justice.

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