

CRIMINAL AND CIVIL LAW IN THE USA

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Law is a system of rules, usually enforced through a set of institutions. It shapes politics, economics and society in numerous ways. Law determines our rights and delineates our wrongs. Knowledge of the types of people who commit crime is generally based on studies of those who have been detected and prosecuted. As generally known it has always been motivation of committing crimes. A perfect crime with the different degree of probability generates one of two results: 1) the successful of violator or 2) punishment of violator. There have always existed a lot of reasons of committing crimes: an economic crisis, unemployment, price increase on commodities, and other. There are types of law: criminal and civil.

Most countries make a rather clear distinction between them, so that an English criminal court may force a defendant to pay a fine as punishment for the crime and he or she sometimes may sometimes has to pay the legal costs of the prosecution. But the victim of the crime pursues his claim for compensation in a civil not a criminal action.

Criminal and civil procedure are different in the USA. Despite the fact that some judicial systems, particularly English, allow an individual to undertake prosecution against another person, criminal actions are nearly always started by the state in the USA. On the other hand civil actions are usually started by individuals. One of the most fundamental distinctions between civil and criminal law a guilty defendant is punished by either incarceration into jail or fine paid to the government or in exceptional cases, by death penalty. Although some systems, including the English, allow a private citizen to bring a criminal prosecution against another citizen, criminal actions are nearly always started by the state. Civil actions, on the other hand, are usually started by individuals.

In contrast, a defendant in civil litigation is never incarcerated and never executed. In general, a loser in civil litigation only reimburses the plaintiff for losses caused by the defendant's behavior. The notion that the threat of punishment will deter criminal conduct is based on the principle that human beings are rational. In practice, criminals are either impulsive that they will not be caught by the police.

Evidence criminating presented to confident criminal trial is not necessarily admissible as the evidence to a civil court in the same case. For example, the victim of a road accident does not directly benefit if the driver who injured him or her is found guilty of the crime of careless driving. A

person still has to prove his case in a civil action. In fact he may be able to prove his civil case even when the driver is found not guilty in the criminal court.

Once the plaintiff has shown that the defendant is liable, the main argument in a civil court is about the amount of money, or damages, which the defendant should pay the plaintiff.

So, criminal or penal law involves prosecution by the government of a person for an act that has been classified as a crime. It is the body of statutory and common law that deals with crime and the legal punishment of criminal offenses. There are four theories of criminal justice: punishment, deterrence, incapacitation, and rehabilitation. It is believed that by imposing sanctions for the crime, society can achieve justice and a peaceable social order.

That's why, civil procedure is the body of law that sets out the rules and standards that courts follow when adjudicating civil lawsuits (as opposed to procedures in criminal law matters). These rules give explanations how a lawsuit or case may be commenced, what kind of service of process (if any) is required, the types of pleadings or statements of case, motions or applications, and orders allowed in civil cases, the timing and manner of depositions and discovery or disclosure, the conduct of trials, the process for judgment, various available remedies, and how the courts and clerks must carry out their functions.

The statement "ignorance of the law has no excuse" is written in the legal doctrine and it interprets that a person committed crime without knowing about the punishment, will be by all means subjected to the criminal responsibility. If a defendant were allowed to escape legal responsibility for his acts, merely by saying "I didn't know it was illegal", the system of using law to regulate human conduct would collapse. So the doctrine is a practical necessity. This doctrine still has vitality and validity today.

So, criminal and civil law is needed in every state, because they served to enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans. This is a fair and just way to deter crime and offset the damage created by it. It does not have the potential of unjustly taking the life of another since time would be provided for proof of innocence. Their present penal system does not work. It is a huge and unjust cost to society. To many it neither serves as punishment nor deterrent. About three quarters of all U.S. prison space has been built in the last decade.

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