

Towards A Rational Legislative Evaluation In Criminal Law

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This book launches a debate on the need to evaluate criminal policies and, what is more complex and ambitious, to develop an evaluation method. The contributions address topics such as the general methodology for evaluating public policy, preparing criminal statistics, and analyzing costs, cost-effectiveness and cost benefits.

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ambitious to develop an evaluation method towards a rational legislative evaluation additionally the work explores the state of affairs in various countries including spain sweden usa germany and in the eu it also examines issues such as the relationship between legislative evaluation and criminal principles and the constitutional courts

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towards a rational legislative evaluation in criminal law Sep 07, 2020 Posted By Erle Stanley Gardner Publishing TEXT ID e57cde8d Online PDF Ebook Epub Library involvement and criminal events this first element has been discussed and it is accepted that ret assumes humans to be rational actors the crime specific focus is important

This book launches a debate on the need to evaluate criminal policies and, what is more complex and ambitious, to develop an evaluation method. The contributions address topics such as the general methodology for evaluating public policy, preparing criminal statistics, and analyzing costs, cost-effectiveness and cost benefits. Additionally, the work explores the state of affairs in various countries including Spain, Sweden, USA, Germany and in the EU. It also examines issues such as the relationship between legislative evaluation and criminal principles and the constitutional courts' control over criminal acts.

This book launches a debate on the need to evaluate criminal policies and, what is more complex and ambitious, to develop an evaluation method. The contributions address topics such as the general methodology for evaluating public policy, preparing criminal statistics, and analyzing costs, cost-effectiveness and cost benefits. Additionally, the work explores the state of affairs in various countries including Spain, Sweden, USA, Germany and in the EU. It also examines issues such as the relationship between legislative evaluation and criminal principles and the constitutional courts' control over criminal acts.

This volume brings together an international group of legal scholars to discuss different approaches to lawmaking. As well as reflecting the diversity of jurisprudence as a re-emerging academic field, it offers a broad overview of current developments and challenges in the theory of legislation, and aspires, moreover, to counterbalance some questionable ideas or misconceptions, widespread among jurists, on what making laws entails. The book is organized into three parts. The first comprises a sample of 'ways and models of legislation', ranging from classic legislative ideals to contemporary forms of regulation. The essays in this part, variances of focus notwithstanding, revolve around the notions of legislative rationality, quality, effectiveness, and legitimacy, which may be regarded as the cornerstones of jurisprudence. Interwoven with these notions is another core jurisprudential concern: the justification of laws. We address it separately in the next part by exploring the connection between lawmaking, argumentation and constitutional democracy; under the heading 'legislation in a culture of justification', a number of aspects of this connection are tackled that have not been sufficiently considered so far in jurisprudential literature, such as the intricacies of legislative reasoning and balancing, or the justificatory problems posed by special-interest legislation. The under privileged status of jurisprudence in legal studies and the need for socially attentive and citizen-oriented legislative research come to the fore in the third part of the book which turns to the relationships between 'legisprudence, lawyers, and citizens'. All in all, the thirteen articles gathered here provide a stimulating insight into the theory of legislation, and can hopefully contribute to the reconciliation of the study of law and the study of its making.

The essays collected in this book address legislation from the viewpoint of legal theory and provide an overview of current research in jurisprudence as a new scholarly approach to lawmaking. The overall focus of the volume is on the justification of legislation, with a special emphasis on the intricate notion of legislative rationality. With the rational justification of legislation as their central theme, the essays elaborate on the foundations and bounds of legislation and the search for a more principled lawmaking, discuss the role of legislation within the framework of democratic constitutionalism, analyze legislation as implementation of constitutional law, and explore how legislative argumentation in parliament can be construed as a source of justification of laws.

This book explores the constitutional, legally binding dimension to jurisprudence in the light of the German Federal Constitutional Court 's approach to rational lawmaking. Over the last decades this court has been remarkably active in applying jurisprudential criteria and standards when reviewing parliamentary laws. It has thus supplied observers with a unique material to analyse the lawmakers' duty to legislate rationally, and to assess the virtues and drawbacks of this strand of judicial control in a constitutional democracy. By bringing together legislation experts and public law scholars to elaborate on 'legisprudence under review', this contributed volume aspires to shed light on the constitutionalisation of rational lawmaking as a controversial trend gaining ground in both national and international jurisdictions. The book is divided into five parts. Part I frames the two key issues pervading the whole collection: the intricate relationship between judicial review and democracy, on the one hand, and the possibility of improving and rationalizing the task of legislation under the current circumstances of politics, on the other. Part II provides an overview of the judicial review of rational lawmaking, laying special emphasis on the duty of legislative justification imposed on lawmakers by the German Constitutional Court. Part III is devoted to the review of the systemic rationality of legislation, in particular to the requirements of legislative consistence and coherence as developed by this court. Contributions in Part IV revolve around the judicial scrutiny of the socio-empirical elements of rational lawmaking, with the control of legislative facts and impacts and the problem of symbolic laws being the central topics. Finally, Part V draws on the German case law to discuss the links between rational lawmaking, balancing and proportionality, and the interdependence between process review and substantive review of legislation.

This book provides a practical handbook for legislation. Written by a team of experts, practitioners and scholars, it invites national institutions to apply its teachings in the context of their own drafting manuals and laws. Analysis focuses on general principles and best practice within the context of the different systems of government in Europe. Questions explored include subsidiarity, legitimacy, efficacy, effectiveness, efficiency, proportionality, monitoring and regulatory impact assessment. Taking a practical approach which starts from evidence-based rationality, it represents essential reading for all practitioners in the field of legislative drafting.

The growing attention for evidence-based lawmaking and reduction of administrative burdens caused methods of ex ante evaluation to be introduced in legislative processes around the globe. This book discusses the opportunities, limitations and challenges of ex ante assessment of legislation.

This book constitutes the first thorough academic analysis of legislative drafting. By placing the study of legislation and its principles within the paradigm of Flyvberg's phonetic social sciences, it offers a novel approach which breaks the tradition of unimaginative past descriptive reiterations of drafting conventions. Instead of prescribing rules for legislation, it sets out to identify efficacy as the main aim of the actors in the policy, legislative and drafting processes, and effectiveness as the main goal in the drafting of legislation. Through the prism of effectiveness as synonymous with legislative quality, the book explores the stages of the drafting process; guides the reader through structure and sections in their logical sequence, and introduces rules for drafting preliminary, substantive and final provisions. Special provisions, comparative legislative drafting and training for drafters complete this thorough analysis of the drafting of legislation as a tool for regulation. Instead of teaching the reader which drafting rules prevail, the book explores the reasons why drafting rules have come about, thus encouraging readers to understand what goal is served by each rule and how each rule applies. The book is aimed at academics and practitioners who draft or use statutory law in the common or civil law traditions.

This book is a pioneering analysis of the deliberative systems approach in Taiwan, extending an understanding of Taiwanese democratic politics and consolidating links between theoretical development and a practical application of deliberative practices. As a front-runner of new democracies in Asia and a relatively open society, Taiwan provides a model for deliberative governance, with a view towards institutional innovation and increasing democratisation. This book considers how components within the intricate web of micro- and macro- deliberative systems perform different functions, complement each other, and contribute both to policy change and democratic innovation. Specific cases are provided \u2013 such as participatory budgeting in Taipei City and the government-academia alliance model \u2013 to demonstrate the long-term systemic effects of mini-publics and citizen actions. In addition, the book proposes the possibility of deliberative democracy for other countries in the world, alongside various policy issues, including mini-publics, e-participation, co-governance, citizen science, negotiation mechanisms, and the deliberative practices of indigenous peoples. Deliberative Democracy in Taiwan will appeal to students and scholars of East Asian studies, Taiwanese politics, political science and social movement studies.

What is effective legislation? Is it a matter of intuition, luck or the result of evidence based law making? Can it be consciously 'engineered'? This book advances the novel idea that legislative effectiveness is the result of complex 'mechanics' in the conceptualisation, design and drafting of four elements inherent in every law: purpose, content, context and results. It concludes that effectiveness can be achieved with conceptual and methodological insights that guide the specific choices of lawmakers when designing and drafting legislation.

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