

CRIMES AND JUSTICE OF INDIA IN GLOBAL ERA

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ABSTRACT

Before addressing the topic of criminal activity and justice in global relations, it is important to first briefly assess how the concept of global justice is treated in unique theoretical traditions. The concept of justice as it has evolved over time has been the subject of intense debate among students and political thinkers. Ronald Dworkin argues that all tactics for achieving justice are based on completely unusual assumptions, but have unique interpretations. He offers a summary of the equality thesis, viz. "the hobbies of community participants count and count equally." All modern legal theories try to deal with these two questions: "What are the hobbies of people" and "what follows from the assumption that the hobbies are similar." variations remain, but these questions are clearly answered. on the other hand, it has been argued that contested legal theories are based entirely on values that may be exceptional in nature; exceptional processes offer their own "extreme political beliefs" such as "equality in Marxism, liberty in libertarianism, utility in utilitarianism, contractual equality in liberal egalitarianism, general precision in communitarians, and androgyny in feminism." However, applying the concept of justice to global relations has remained difficult, the number one reason being the dominance of realism as a concept in mainstream global family member (IR) scholarship. Realism advocates selfish pursuit across states. Realism dominated IR to such an extent that the socio-technological competence section of IR was considered without values, ethics and morality. Despite the fact that in modern times, partly due to rapid globalization, increasing democratization processes and the dominance of the human rights agenda, the idea of justice is gaining more and more attention in the field of IR. In this context, it can be significant to cite views related to authors such as Hedley Bull, Terry Nardin, Michael Walzer and Chris Brown, who consider justice as a central theme of the IR concept.

Keywords: Crimes, justice, globalization, libertarianism.

INTRODUCTION

In addition to examining ancient trends in global litigation, it is necessary to analyze the development of the field of global criminal law, which was normatively and significantly dependent on international humanitarian law and international human rights law. Content each of these areas of global law contains norms that limit and prohibit certain actions. Global humanitarian regulation (or laws of war) refers to both jus advert bellum and jus in bello . The first deals with martial law, or the hotel enforcement law, and the second with martial law, or the methods and techniques of the use of force. Jus Bellos imposes restrictions on combatants during hostilities. It prohibits affirmative action during conflict. International criminal law focuses primarily on its own rules and at the same time establishes individual criminal responsibility, although humanitarian and human rights may be violated. Global criminal law has evolved incredibly within the legal guidelines of combat. Trends in global fraud regulation and conflict law guidelines are so intertwined that global criminal courts are exceptionally often referred to as war crimes courts. All criminal courts are condemned.

According to positive standards of legality and legitimacy. Such standards are not static; they can be dynamic and evolve over the years. Within the leniency of these standards, the assessment is the result of a fair trial. In the domestic context, some well-established principles of criminal law are outlined here, based on which the legality and legitimacy of criminal complaints are assessed. The first is the principle of Crime sine lege (there is no crime without regulation). It prohibits the actual or retroactive application of the law. It requires that no one can be punished for an act that was not currently a crime against the law. Principle 2 protects individuals against double jeopardy (not-him-in-idem). It says that no one should be punished twice for the same crime. Standards of legality require precision even in false legislation. This assumes that the defining elements of crimes (material and mental elements) are definitively defined in the prison rules. Procedural rules ensure sufficient security for the accused, for example no one can be punished. The accused cannot be forced to confess his guilt. In addition, the accused is entitled to assistance through a prison referral. A study of how international law has adapted to include such notions of fraud law is crucial to assessing the legality and legitimacy of global fraud attempts. It is also important to observe certain activities that distinguish international fraud law from domestic criminal law. International criminal law mainly deals with crimes committed as a result of official acts of the state, crimes committed on the orders of superiors, and the responsibility of naval commanders and political leaders for crimes committed by their subordinates.¹

WORLD WIDE JUSTICE AND IR THEORY

Realism says that states are the only actors in global politics; they can constantly engage in their hobby; and that they are constantly trying to maximize their power. This thesis was developed by Hans Morgenthau at the post-war International to oppose the arguments presented by so-called "utopians", who saw the possibility of realizing extraordinary things worldwide. Classical realists such as Hans Morgenthau and EH Carr had unique concepts of ethics. They argued crudely about the "morality of public service" and the duty of a diplomat closer to his country. The concept of global law was exactly the opposite of the idea that the results of international politics were only reflections of the distribution of power. According to classical realism, states relate to each other in the same vague way that people do in Hobbes's natural world. The court simply lacks jurisdiction. The simplest danger is that states can also sometimes admire norms that benefit only a few, without harming the interests of others.⁶ States cooperate even when it is far from their interests; but their commitments cannot be trusted. Realists believe that global regulations and institutions reflect underlying power relations. They are no longer important in changing the behavior of a nation. Treaties protect the pursuit of great power. Since the seventies, classical realism considered alienation as a principle of global family members. It proved insufficient to account for or explain changes in the world. The cool tactics of neorealism (also called structural realism) and neoliberal institutionalism (also called neoliberalism) appeared which were considered the successors of realism. Kenneth Waltz, the main definer of neorealism, defined a structural theory of global politics in which states are treated as functionally comparable gadgets but with their own set of capabilities. He argues that anarchy characterizes international politics and that states are essentially driven by their instincts to tell their own stories. Self-help is the only way to get them. In the realm of anarchy, states are particularly sensitive to their relative strength. Their main challenge is "not to maximize the electrical energy, but to maintain its place inside the device"².

JUSTICE AND GLOBAL POLITICAL THEORY

Global political theorists such as Hedley Bull, Stanley Hoffmann, Terry Nardin, Michael Walzer, and Chris Brown emphasize justice identically, in addition to the sovereignty of global relations. They see global politics as a society of states, in contrast to Chris Brown's realistic understanding of the state system. The global political concept involves the "handover" of sovereignty, rights and justice.

The global political concept also considers international regulation to be important, which is seen as a social custom rather than a set of regulations. It tries to reconcile various norms that seem contradictory according to orthodox IR. That means harmonizing sovereignty (not human rights and democracy, but justice, which these theorists deal with is "procedural and formal" rather than "social and distributive". Hedley Bull, global society (state society) in which states are far from their common aspirations and values, and where general rules govern members of a family that includes a sensible Hobbesian (realist), Kantian (universalist), and Grothian (internationalist) tradition of concepts of international politics, Hedley Bull concludes that global society is internally anarchic in the sense, that it exists without government. Opposing arguments based on the domestic analogy that states, unlike people, cannot organize into a social existence without government (general energy holds them in awe), Bull finds that states are very unique. of kind people in nature, and they form an anarchic society without a government that "shows the powers of their situation that can be accurate"³.

Hedley Bull sees global justice as formal rather than substantive justice. Magnificent justice contracts with unique political, social or economic rights, while formal justice requires equality earlier than regulation, i.e. prison policies applied fairly to all and sundry. He further writes that global justice is commutative or reciprocal rather than distributive. Commutative law involves the mutual facilitation of rights and obligations through negotiation. However, the distribution right involves the choice of the whole society to strengthen the general right. Bull paid special attention to the compatibility of order and justice in global politics. Bull explains that all justice is most effective when there is some order. The order includes lifestyles in the social interest where the main or individual goals of social lifestyles can be realized and where other advanced dreams can be for him, the needs of cosmopolitan justice are the needs of device change. States such a step can be progressive, which can also require a struggle with the very form in which the global order is currently maintained. Bull's concept of global justice includes procedural rules, or "politics of the game", which give rights and obligations to states in the structure of global coexistence. These norms and rules are to a certain extent also stipulated in international law.

THEORIES OF JUSTICE AND GLOBAL POLITICS

Today, many legal theorists who were once considered only domestic issues have become interested in the elements of global justice. It is very important to note that legal theorists propose universalism or cosmopolitanism, while global political theorists propose a particular and communal approach, which is also the field where Kant dominates. Laberge offers an interpretation of Kant's eternal peace. According to him, the Kantian concept of the best assumes that people live in a world republic. Kant's Special Life Statements: "Act therefore outwardly, that the loose exercise of your preferences may, according to universal law, coexist with the freedom of every man." the essential problem is the "coexistence of wholesalers" in the kingdom of nature, a country of warfare for Kant, as for Hobbes. Kant's concept of justice requires that everyone's freedom to solve the crisis of global coexistence must be placed equally.

This problem is amplified by any other "outside me and you" affliction. Because Kant's principle of justice requires decision-making rather than warfare to solve problems of coexistence, it requires a republican charter in which judicial elections can be enforced. Only mandatory guidelines completely limit everyone's freedom to facilitate everyone's freedom, allowing free marketers to coexist under everyday laws. Kant draws this conclusion from the idea of a great principle. How far this best concept can be applied to members of the global family (which seems to be called a world republic). Kant's concepts of global justice face an identical crisis in the coexistence of freedom of each organ in a state of conflict, which is the greatest disaster caused by the existence of non-republican states. Laberge says that Kant opposes the idea of a non-ideal concept.⁴.

STRUGGLE THEORIES

Struggle theories adopt a completely unique technique for different theoretical perspectives on crime and deviance. They highlight the dating of deviance and politics, as well as inequality and conflicting aspirations for a different education. Scholars such as Taylor, Walton and the younger developed theories of warfare based on their Marxist understanding that deviance is consciously created in society. They emphasize the role of politics in defining deviance. Until now it has been assumed that people who embrace the dominant social order are most likely to be seen as deviant. In fact, deviance is a political action that responds to the inequality of capitalist society. Deviations can be understood through the power structure of society and the efforts of the ruling elite to maintain inequality within it. Similarly, the Stuart Corridor argues that, apart from the media, the state uses deviance as a tool to divert public attention away from structural problems such as unemployment and lower wages. Struggle theories led other criminologists to take a critical view of the formulation and application of laws in society. They study the laws used to suppress sensitive people and maintain order in society. For them, the laws are not impartial, but everyone obeys them equally. Similarly, students analyze a criminal justice setting that they believe reflects an egalitarian form of power. The methods by which legal guidelines are implemented are equally important. The ruling class also breaks the law; however, members of this category are rarely brought to justice. Alternatively, regulatory enforcement organizations are reluctant to act for efficiency. Their focus is on agents of lower sophistication, resulting in regular and much lighter crimes attracting the attention of the public, compared to the heavy and abundant white-collar crimes dedicated to the wealthy. This explains why crime control targets drug addicts, prostitutes and thieves.

MANAGE THEORIES

Control theories differ significantly from other theoretical views of manipulation theorists, who emphasize hyperlinks between loss of social control and criminal pursuits. They argue that it is the miles deterrence that prevents people from committing crime by manipulating principled views that have little relevance to people's motivations. Alternatively, sen mili found that people behave rationally and opportunities attract people to illegal activities. Given the opportunity, everyone is equally likely to commit crimes. Management theorists claim that in a superior society characterized by increased consumption and wealth, there are enough opportunities for crimes. Today's societies offer an increase in "appropriate goals". Travis Hirschi, the most famous manipulation theorist, claims that before engaging in any scam, people do a cost-benefit analysis to calculate the benefits and risks they are concerned about. Hirschi argues that there are four types of connections between individuals and society that lead to law-abiding behavior. These ties are attachment, commitment, participation and trust; strong ties to society facilitate social manipulation and adaptation.

Conversely, Hirsch's relation to cynical deviance and vulnerability to crime, the effect among criminals at low levels in official guidelines, is also reminiscent of the provisions of the management concept.

Criminals through effective supervision. The focus here is to stop situations that criminals can take advantage.⁵

The guiding concept is closely related to the idea of broken domestic windows proposed by Wilson and Kelling. This concept establishes a link between the first signs and symptoms of deviance (disease) and actual crime. If one broken window is not fixed in time, he argues, it sends a message to capable criminals that the enforcement mechanism is vulnerable and that the community lacks commitment to disease control. A single broken window triggers a similar disease. Soon the technique of disintegration begins, where law-abiding citizens begin to leave their place and is replaced by the broken window theory of greater deviants and criminals, or the policy of tolerance, where minor crimes such as vandalism, vandalism and public drunkenness must be treated harshly is considered very important in the prevention of serious crimes.

The importance of this method is changed by the strict treatment by the police of offenders in the field, such as beggars, homeless people and drug addicts. However, zero-tolerance policing has come under excessive criticism. This is seen as giving the police the right to describe their personal habit as a "social disease". Also, the police can expect any kind of hobby as a sign of illness. As a result, a decrease in criminal charges is followed by an increase in police misconduct. However, the tightening of the target and the lenient police has attracted the interest of many policy makers, who are said to have achieved isolated achievements. However, these measures do not address the root causes of crime. As such, these policies are designed to protect the cash-strapped segments of society.⁶

TRANSITIONAL JUSTICE

According to Barnett Rubin, transitional justice involves the unique "measures that a society takes beyond abuses when it moves from a state of dictatorship or struggle, where perpetrators of violence go unpunished, to a certain civil peace, where a nation seeks to provide justice and protection for its citizens." Transitional law is also "overriding" in the sense that neither martial law nor normal peacetime legal guidelines can be applied. It is most relevant and effective over time - over time this technique is preferred by people who prefer non-judgmental engagement mechanisms, local awareness and the growing demands of ethnically and politically divided societies. - An emphasis on persecution can exacerbate conflicts, leading to more bloodshed and human struggle. The interest is the unique desires of emerging democracies and the aspirations of ordinary people, mostly sufferers and survivors.

Truth and Reconciliation Commissions are seen as "a middle ground between demanding uncompromising prosecution and, conversely, favoring amnesty and impunity". Fact-finding commissions should perform various tasks: establish the reality of alleged atrocities and report authentically from time to time to clarify any previous misunderstandings; to grant pardon to persons who have fully and sincerely admitted their guilt; and provide comfort and rehabilitation to patients. Many countries, such as Chile, Argentina and South Africa, have experimented with truth and reconciliation commissions. In South Africa, it ended a long apartheid and paved the way for democracy. One of the most important elements of recording accurate history is that it acknowledges the illegality of actions and narrows the moral space that encouraged the violations.⁷

CONCLUSION

The International Criminal Court (ICC) has been symbolized as a journey to a post-Westphalian world. Sovereignty of nations and non-intervention was a function of the Westphalian apparatus. The most comfortable Westphalian states are participants in global society and subjects of global law. The global regulation applies to family members in different states. Humans have no legal standing before global law. According to international political theory, the ICC marks the growing importance of individuals in international law. The Rome Statute shows the extent to which a person can be subject to international law. The Rome Statute unequivocally makes clear that certain basic human rights of all people are protected by international regulation and that violators of the basic rights of other people are universally persecuted. Thus, individuals as victims and criminals are the subjects of international regulation. Blood and human struggle are exactly where the unique desires of emerging democracies and the hobbies of ordinary people, mainly sufferers and survivors, are interested. Truth and Reconciliation Commissions are seen as "a middle ground between uncompromising prosecution and the opposite preference for amnesty and impunity". Fact-finding missions are designed to perform different tasks: to establish the reality of the atrocities committed and to report the events in an authentic way to eliminate possible previous misunderstandings; to grant pardon to persons who

have fully and sincerely admitted their guilt; and too tender to comfort and rehabilitate the afflicted. Many countries like Chile, Argentina and South Africa tried reality and reconciliation. In South Africa, it ended during apartheid and smoothed democracy. One of the most important elements to record an accurate history is that it acknowledges the injustice of actions and narrows the moral space that motivated wrongdoing⁷. The Global Crook Court (ICC) symbolizes the transition to office. -The Westphalian world. The functional feature of the Westphalian apparatus was the nation's right to self-determination and non-interference. The most comfortable countries under the Westphalian apparatus are participants in global society and subjects of global law. The global regulation applies to family members in different states. Humans have no legal standing before global law. According to international political theory, the ICC marks the growing importance of individuals in international law. The Rome Statute shows the extent to which a person can be subject to international law. The Rome Statute unequivocally makes clear that certain basic human rights of all people are protected by international regulation and that violators of the basic rights of other people are universally persecuted. In this way, individuals as victims and perpetrators are the subjects of international regulation.