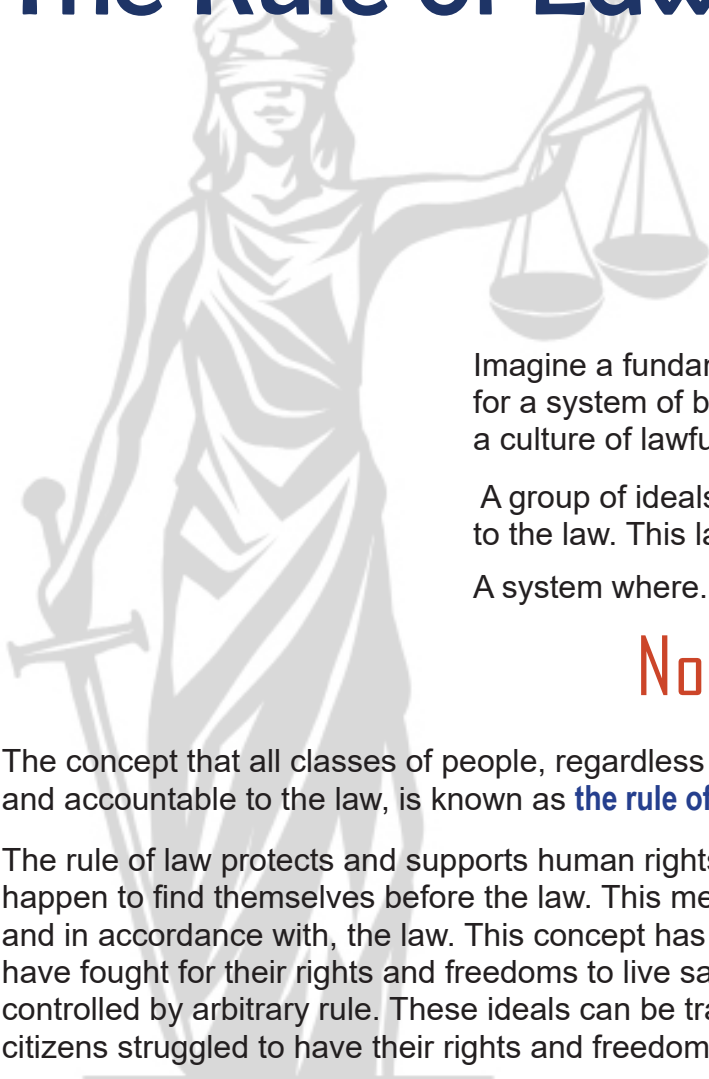


The Rule of Law



Imagine a fundamental concept that serves as the foundation for a system of belief or behaviour, that promotes and supports a culture of lawfulness.

A group of ideals where everyone in a society is accountable to the law. This law must be applied equally and fairly.

A system where...

No one is above the law

The concept that all classes of people, regardless of their authority or station in life, being subjected and accountable to the law, is known as **the rule of law**.

The rule of law protects and supports human rights by maintaining equality for all people if they happen to find themselves before the law. This means, that a person can only be punished by, and in accordance with, the law. This concept has a long history throughout the ages as people have fought for their rights and freedoms to live safely and peacefully in their societies, and not be controlled by arbitrary rule. These ideals can be traced back to Ancient Greece, where everyday citizens struggled to have their rights and freedoms recognised by their rulers.

A historical breakthrough in recognising human rights was achieved 1215 in medieval England, when the Great Charter of Liberties was written by a group of barons to curb the abuse of power of their notoriously tyrannical king. This charter is known today as **Magna Carta** and its contents have become recognised as one of the most influential documents in human history.

The ideals in Magna Carta have helped guide many countries around the world to set up a system of governance where society is managed on principles based on the rule of law, and in doing so, supporting and maintaining a democratic society for their citizens. Governments that act on decisions based on concepts surrounding the rule of law supports the freedoms and rights of all people.



It is also important to consider the peoples' side of the transaction. A lawful society must be willing to be governed by the law. To achieve this, the law must be known and accepted by the people.

The law should be such that the people will be able and willing to be guided by it. Therefore, the lawmaking process must have mechanisms in place that provide checks and balances on power.

A safe society reflects
a culture of lawfulness

Laws must be administered justly and fairly

There are many ideals to consider in order to maintain a culture of lawfulness. Below are some of the main principles of the rule of law, which can help you to better understand this fundamental concept.



The Law

The law is supreme. Government, along with the governed, are equal before the law. The government cannot make its own decisions or change the law without the consent of the people. The protection of individuals in a society must include justice, equality, and fairness. The rule of law is necessary in maintaining a safe and organised society.



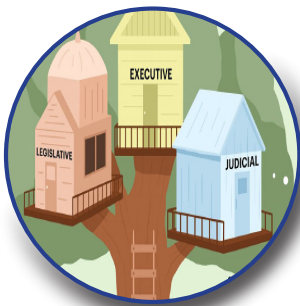
Due Process

All citizens must have access to knowing and understanding the law of its society, including the actions and consequences that are related to any offence that may be committed under the law. The courts follow legal proceedings according to rules and principles to determine the level of punishment for the crime committed. This provides confidence and security for the people.



A Civic Culture of Lawfulness

All citizens must recognise and accept responsibility to abide by the law, expect equal treatment before the law, and be judged by their peers in the process if required. Having equal and fair access to the law enables the people to trust that legal processes will provide just outcomes.



Checks and Balances

Parliament must be accountable and transparent in making laws that can be enforced. It must involve opportunity for review and open to investigation. The courts must remain independent of government to avoid judges being influenced by political decisions and interference.

Checks - all lawmaking decisions are checked through branches of the legislative, executive, and judiciary to separate and share power.

Balances - each arm of the decision-making process must be balanced in action to avoid one becoming more powerful than another.

Australian laws are made by elected representatives, an important principle based on the rule of law.

How the rule of law operates in Australian society today

All people should be ruled by just laws and subject to the following principles:



The rule of law must be supported by informed and active citizens.

What do you think would happen if the rule of law was not followed in Australian society?

To help you answer this important question, join a small group or pair with a partner to discuss the following:



What processes and mechanisms are in place that enable Australian citizens to live safely in our communities, and how are these enforced?



Why is tolerance, acceptance, and respect for individual freedoms and rights important for a society to recognise and practice?



Imagine the changes that might happen in our communities if the rule of law was not followed by the government. Describe and explain what changes would occur and how they would impact the way citizens live their day to day lives.



Compare the every day experiences of citizens from other countries that do not live under the ideals of the rule of law, to how we live in Australia today.