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**STATE STATUTES**

Statutes are laws written by the legislative arm of the government and are also referred to as codes. In the American Legal System, both the federal government or national government and the individual States have the power to come up with policies which has the force of law. Further, local governments such as counties can still have limited powers which is derived from the State. There are constitutional limitations in which the laws are drafted. Some subject are covered by both the State Laws and also the Federal Laws while some are regulated by either.

**ROLE OF VARIOUS ARMS OF THE GOVERNMENT IN MAKING LAW**

The USA Government is made up of the Legislature, Executive and also the Judiciary.

The US Legislature comprises of the Congress and also the Senate. The body has various powers which includes declaring war in the country, declaration of a State of emergency, regulates the relations of the Country with other States, controls imposition of tax and above all, makes policies with effect as laws. It is also responsible of amending all the policies, and ensuring there is no conflict of laws through codification.

The Executive comprises of the Arm of the Government which is in charge of maintain Law and order by ensuring implementation of policies. It is made up of President, Vice-president, cabinet heads and also heads of independent agencies. The President is the head of the Executive. The arm ensures that the laws are obeyed by the subjects called the citizens.

The Judiciary comprises of the judicial officers. They ensure interpretation of the law to the best interests of the Citizens depending on the situation. They also help in settling of disputes among the citizens, among the citizens and the State and also between other groups. The body also have the power to determine the validity of a Statute or a provision of a Statute.

**DIFFERENCE BETWEEN A STATUTE AND A REGULATION**

Both are ground rules created by government to regulate the conduct of people, and they form part of the laws of a State. The difference between the two is with the manner in which the two are drafted. Statutes are policies drafted by the Legislature as an arm of the government. In the US, it is done by the Congress. Regulations on the other hand act as a supplement to the laws which are written by the Legislature. Where there is a conflict between a provision of a Statute and that of a Regulation, the Statute prevails. This is because a Statute is enacted by the Legislature which comprises of democratically elected person who represent the Citizens. The body exercises Legislative authority which is derived from the people. The Executive drafting the Regulations are simply exercising delegated authority. The regulations are drafted by the relevant ministry which the Statute intends to regulate.

**PUBLIC AND PRIVATE STATUTES**

Public Law as the most common law which is passed by the Congress and it affects the entire society. Private Law on the other hand, only affect individuals, small groups of people and also family. Additionally, Private Law is normally codified into the United States Code, whereas private law is not because the United States Code comprises of the general as well as the permanent policies of the United States.

**THE CODIFICATION PROCESS OF A STATUTE**

Codification is the process in which the rules and regulations are compiled in certain order and formal way. The Code on the other hand is the compilation of existing laws which will be included in a legislative Statute (Bergel J.L 74). It also means the compilation of all the Laws which are in place which include but not limited to the enacted laws, regulations and the case laws, to illustrate a complete Legal system. Codification does not necessarily create new laws, but it aims at arranging the existing ones in a logical manner. Case laws refers to as judicial decisions which have been arrived at by the Courts as they settle various disputes. Codification of the Law helps in identifying the inconsistencies, unclear and duplicated rules

(Deal L. 6). In the US, Statutes are codified in a chronological manner according to the dates in which they became law. They are then made available to the members of the public through a website and also in manuals. The Process of Codification is:

**FORMS OF CODIFIED LAWS**

Codified Statutes are derived from various sources, which include:

**Common Law-** This refers to the unwritten norms which are derived from precedents in Courts. Where Statutes which are enacted by the Legislature are silent on an issue or inapplicable, the Common Law will be used in decision making. Common law is however mostly applicable in contracts, copyrights and marriages.

**Legal Case Law**- concerns settling of individual conflicts. In this case, previous cases which have the same subject as the current dispute are used to determine the case. This brings about consistency in decision making. However, where a decision was made wrongly in previous cases, it will lead to injustice in the subsequent cases (Solove D. 747)

**ROLE OF THE UNIFORM LAW COMMISSION**

It is also known as National Conference of Commissioners on Uniform State Laws. It ensures uniformity of the laws across the different States to prevent confusion among the States. It is a non-profit organization and relies on the funding from different sources for it to function effectively. The Commission has up to 300 members. These are mostly distinguished lawyers, judges, magistrates and professors. Some have permanent membership while others have associate membership. The Commission is guided by its Constitution that the members follow in all its activities. It contains the qualifications for one to be a member and the term of each. It also provides for compensation for the costs of each to participate. It also contains the various procedures for meetings and also conferences. Formation of the Commission was contributed by the business between the States and the individual movements between the States.

Some of the roles of the Commission are drafting Legislation, the members responsible should have the requirements. Such include the education and necessary experience. With this, every member should be a member of the bar. After they are drafted by the Commission, they are presented to the Legislatures. In the body, they can be enacted as they are or with modifications. Uniform State Laws, usually seek adoption of identical or similar laws by the States, or enactment of one federal law by the federal government. After the Commission drafts the laws, each State is supposed to make a decision to adopt the policy or not. This means that the Commission does not make binding policies, but rather, it comes up with a proposal which the States are free to adopt or to turn down.

A challenge facing the Commission is that after adopting a successful uniform law, the Commissioners are obligated just as true legislators are to have it revised from time to time considering the changing time and conditions. This results in multiple versions of the Statutes, and until there is a common decision of which proposal each State will adopt, there will still be conflicts in the policies.

A success in the field of business law, as it has led to success in carrying out the business among the traders.

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