Tort Law VS Criminal Law

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When many people think of law they think of the rules and regulations put into place by our government. This is true, but there are different branches of law that are divided up into two different categories which are criminal law and civil law. These two types of law are very different and have different purposes.

Criminal law is the enforcement of rules with the potential punishment for noncompliance. There are certain guidelines for criminal law which are known as criminal procedures. Criminal procedures are the rules of law governing the procedures by which crimes are investigated, adjudicated, and punished. Criminal punishment can be slight or severe depending on the offense and jurisdiction. Some examples of criminal punishments are fines, jail time, probation, loss of liberty, or even execution. Criminal law is enforced by the government and is referred to as the prosecution. The person being prosecuted in criminal cases is known as the defendant.

Civil law is the law relating to rights and obligations of parties. There are also certain guidelines for civil law which is known as civil procedures. Civil procedures are the rules of procedures followed by courts in adjudication civil cases. Civil cases are always filed by private parties such as individuals or businesses. The person filing the case is referred to as the plaintiff. The person being sued in a civil case is known as the defendant. The defendant in a civil case is not there to be punished, but to reimburse the plaintiff for any damages or loss due to their behavior whether it is intentional or negligent. Tort law is a form of civil law in which a person has a grievance that they need to have settled in court. Tort law is a civil action where an individual asks to be compensated for personal harm done to him or her caused by another.
person’s behavior. The person who committed the tort is known as the tortfeasor. Examples of tort cases are mental or physical abuse cases, trespassing and invasion of privacy cases, and cases involving false accusations.

As you have already read there are major differences in tort law and criminal law. The two have different purposes. The purpose for criminal cases is to give the state the power to protect the public from harm by punishing individuals whose actions threaten the social order of things, while the purpose of a tort case is not to punish the person accused, but to compensate the victim for any losses or harm they sustained because of the defendants behaviors. Because criminal and tort law have different purposes they also have different consequences. In a criminal case if found guilty the defendant is punished, but in a civil case they are not punished. Since the civil cases are less severe the burden of proof is also less. In a criminal case the burden of proof is without a reasonable doubt which is around 95%. In a civil case the burden of proof is only 51%. A civil case must be filed by a private party, but a criminal case is prosecuted by the government. Among civil and criminal cases only 10% of them actually go to trial. Most cases are settled out of court with an agreement by both parties.

In criminal law cases are broken into two different categories which are misdemeanor cases and felony cases. Felony cases are much more severe than misdemeanor cases and result in a higher level of punishment. In tort law there are no such categories because there is no punishment, although there are three different types of torts which are intentional torts, negligence torts, and strict liability torts. In an intentional tort the tortfeasor did the tort intentionally knowing what would result from their actions. A negligence tort occurs when the tortfeasor neglects their duties of care to another person, and causes harm to them. A strict (absolute) liability tort occurs when it is the tortfeasor’s responsibility for injuring another
regardless of intent, negligence, or fault. One major type of strict liability is products liability. This occurs when the manufacturer or other seller of an unreasonably dangerous or defective product is held liable for injuries the product causes. Strict liability is different from intentional and negligence torts, because the tortfeasor is responsible under absolute liability regardless of if the tort was intentional or how careful he or she might have been. In tort law certain elements are always examined to determine the verdict. There elements are duty, breach of duty, causation, and damages.

Certain offenses can include both a criminal and a civil suit. If someone breaks commits a crime, and in the process causes someone else to get hurt or have a loss than there may be a civil and criminal cases brought against them. The government would prosecute them in criminal court and request that they be punished, and the victim of the crime may sue them in civil court to be compensated for their losses. Although in criminal court the prosecution would have to prove without a reasonable doubt, in the civil case the plaintiff would only have to have 51% proof. This means that although the defendant may win the criminal case they may not win the civil case, and still be required to compensate the victim for their losses.

The early legal codes did not separate criminal and civil law. In the twelfth century after the revival of Roman law the sixth-century Roman classifications and jurisprudence provided the foundations of the distinction between criminal and civil law in Europe. The first signs of the modern distinction between civil and criminal law in the United States emerged during the Norman conquest of England in 1066.
References


