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Brief Global

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Globally, law is struggling to catch up with the spiralling violence and illegal activities

Legal systems worldwide often struggle to keep pace with the rapid evolution of crime, particularly in areas like cybercrime, organized crime, and transnational threats. A few key reasons for this include:

1. **Capacity Issues** – Law enforcement agencies are often underfunded, understaffed, or lack the technological expertise to tackle modern criminal enterprises effectively. Criminal networks, on the other hand, are increasingly sophisticated and well-funded.
2. **Complexity of Crime** – Traditional legal frameworks were designed for simpler forms of crime. Today, issues like cyber warfare, financial fraud, and AI-driven crime add layers of complexity that many laws were not designed to address.
3. **Jurisdictional Challenges** – Crime is now more global than ever, but legal systems are still largely national. Criminals exploit loopholes between different jurisdictions, where law enforcement cooperation is often slow and inefficient.
4. **Slow Legislative Processes** – Laws take time to draft, debate, and implement. By the time new regulations are in place, criminals have often already moved on to new methods.

5. **Ethical and Human Rights Considerations** – While governments must respond to crime, they also need to ensure that legal measures don't infringe on personal freedoms or become tools for abuse. This balance can slow down enforcement.

Here are some notable instances from various countries:

India

High Profile Scams: The country has witnessed significant financial scandals, such as the 2G Spectrum case, where allegations of bribery against former telecom minister A. Raja led to financial losses estimated at ₹1.76 lakh crore. Despite the magnitude, the Special CBI Court acquitted the accused in 2017 due to insufficient evidence.

Kolkata Trainee Doctor Case: In August 2024, the brutal rape and murder of a 31-year-old trainee doctor in Kolkata shocked the nation, leading to widespread protests and demands for enhanced security measures for healthcare workers and women. The victim was attacked during her shift at RG Kar Medical College and Hospital. Initial investigations led to the arrest of a volunteer, but delays and potential evidence tampering prompted the transfer of the case to the Central Bureau of Investigation (CBI). This incident echoed the 2012 Nirbhaya case, highlighting persistent issues in addressing sexual violence despite previous legal reforms.

Financial Fraud and Money Laundering

In September 2024, the Financial Action Task Force (FATF) urged India to expedite prosecutions in financial fraud cases. While India was found compliant on 37 out of 40 parameters, challenges such as constitutional issues and court backlogs have hindered convictions. The government aims to address these issues by establishing special courts and hiring more prosecutors. Despite significant asset seizures by the Enforcement Directorate, actual confiscations remained minimal, underscoring the need for more effective legal processes in combating money laundering and terrorist financing.

Legislative Reforms

Bharatiya Nyaya Sanhita (BNS): To modernize its criminal justice system, India enacted the Bharatiya Nyaya Sanhita in December 2023, replacing the Indian Penal Code. The BNS introduced new offenses, increased penalties for certain crimes, and incorporated provisions for community service. Notably, it removed the offense of sedition and added offenses related to organized crime, terrorism, cybercrime, and environmental pollution. However, criticisms persist regarding the retention of certain outdated provisions and inadequate protection for specific victim groups, indicating ongoing challenges in aligning the legal framework with contemporary societal needs.

Judicial Backlog

As of August 2024, over 58.4 million cases were pending in Indian courts, with 80% being criminal cases. This backlog hampers timely justice delivery, allowing many offenders to evade prompt accountability.

Germany

Christmas Market Attack Investigation: In December 2024, a man drove into a Christmas market in Magdeburg, resulting in five fatalities. The suspect, a 50-year-old Saudi Arabian psychiatrist with anti-Islamic views and sympathies for the far-right Alternative for Germany (AfD) party, raised concerns about potential security lapses. Authorities are investigating previous warnings about the suspect and considering stricter security measures.

Parliamentary Motion on Immigration: In January 2025, Germany's parliament narrowly passed a non-binding motion demanding stricter immigration and asylum rules. The motion, proposed by the opposition CDU/CSU and supported by the AfD, marked the first time a motion backed by the AfD was adopted in the federal parliament, breaking a longstanding taboo on cooperation with the party.

The Phantom of Heilbronn: Between 1993 and 2009, German police pursued a supposed female serial killer linked to multiple crimes across Germany, Austria, and France. In 2009, it was revealed that the DNA evidence was contaminated, originating from an Austrian factory worker, highlighting significant flaws in evidence handling.

Russia

Organized Crime and Corruption

1990s Crime Surge: Following the Soviet Union's collapse, Russia experienced a dramatic increase in organized crime, characterized by car bombings, contract

killings, and widespread lawlessness. This period saw criminal organizations infiltrate various sectors of society, exploiting the nascent legal and economic systems.

Recruitment of Convicts for Military Service: In recent years, the Russian government has offered convicts the opportunity to fight in Ukraine in exchange for sentence commutations. This policy has led to concerns about these individuals committing serious crimes upon their return, including rape and murder, thereby exacerbating domestic violence and challenging the legal system's capacity to maintain public safety.

Human Rights Violations

Second Chechen War Crimes: During the Second Chechen War, numerous allegations of war crimes were leveled against both Russian forces and Chechen separatists. While some Russian servicemen were tried and convicted for crimes against civilians, such cases were relatively rare, highlighting challenges in holding perpetrators accountable.

Trial of Alexei Navalny's Lawyers: In a recent development, three lawyers associated with the late opposition leader Alexei Navalny were charged with extremism. Their trial has been conducted behind closed doors, raising significant concerns about transparency and the potential misuse of legal frameworks to suppress dissent.

Public Perception of the Judiciary: A substantial portion of the Russian populace lacks confidence in the judiciary's independence and fairness. Transparency International found that 78% of respondents did not expect to find justice in the courts, with bribery and external influences cited as prevalent issues.

Challenges in Jury Trials: Despite reforms, the number of jury trials in Russia remains low, and there have been instances of juror intimidation and trial delays. Acquittals by juries are often overturned by higher courts, undermining the effectiveness of this judicial mechanism.

Enforced Disappearances in Chechnya: Since 1999, approximately 5,000 forced disappearances have been reported in Chechnya. Many victims are believed to be buried in mass graves, with limited accountability or investigation into these human rights abuses.

United Kingdom

Sentencing Disparities and Systemic Bias

The Sentencing Council's recent guidance recommends considering an offender's ethnic, cultural, or religious background during sentencing to address disparities between white offenders and those from ethnic minorities. Justice Secretary Shabana Mahmood criticized this approach, arguing it could create a "two-tier" justice system. She has urged the Council to revise the guidance or face potential legislative intervention, highlighting tensions between judicial independence and governmental oversight.

Institutional Misconduct in Serious Fraud Investigations

Serious Fraud Office (SFO) Failures: The SFO has encountered significant setbacks due to mishandling evidence and procedural errors. Notably, the collapse of a high-profile trial against two Serco executives and the quashing of three bribery convictions in the Unaoil case were attributed to inadequate evidence disclosure and improper conduct. Reviews by legal experts have criticized the SFO's internal processes, emphasizing the need for comprehensive reforms to restore confidence in its ability to prosecute complex fraud cases effectively.

Barriers to Justice for Marginalized Communities

Challenges for East Asian Women: The case of serial rapist Zhenhao Zou underscored significant obstacles faced by East Asian women in the UK when seeking justice. Cultural stigmas, fear of repercussions, and systemic shortcomings have led many victims to remain silent. Advocacy groups emphasize the necessity for increased awareness, better language support, and systemic changes within institutions to support these women effectively.

Operational Challenges in the Crown Prosecution Service (CPS)

Disclosure and Charging Decisions: The CPS has faced scrutiny over its handling of evidence disclosure and charging decisions. Failures in these areas have led to collapsed trials and wrongful convictions, prompting calls for improved training and oversight to ensure fair trial rights are upheld

The Guildford Four and Maguire Seven: In the 1970s, these individuals were wrongfully convicted for bombings in Guildford and Woolwich. Their convictions were quashed in 1989 and 1991, respectively, after it was revealed that their confessions were coerced, underscoring flaws in the investigative process.

The United States

Resurgence of Executions: Despite a national decline in capital punishment, certain states have intensified execution efforts. Over ten days, six death row inmates across five states—Texas, Louisiana, Arizona, Oklahoma, and Florida—are scheduled for execution. Controversies surrounding these cases include inadequate forensic evidence and allegations of prosecutorial misconduct, raising ethical and legal concerns about the application of the death penalty.

Domestic Violence

Critique of Carceral Responses: Leigh Goodmark, a law professor at the University of Maryland, advocates for decriminalizing domestic violence, arguing that the legal system often exacerbates issues for abuse victims rather than ensuring their safety. She proposes alternative interventions such as direct financial support, stable housing, and community-based solutions, suggesting that reliance on police and incarceration may not effectively address intimate-partner violence.

Law Enforcement Practices

ATF Sting Operations: Between 2011 and 2014, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) conducted sting operations where individuals were enticed to participate in fictitious crimes, leading to their arrest and conviction. Critics argue these operations amounted to entrapment, punishing individuals for crimes orchestrated entirely by the ATF. Legal challenges highlighted potential racial biases in target selection and questioned the fairness of such practices.

Military Justice

Statute of Limitations in Rape Cases: The Supreme Court case *United States v. Briggs* addressed whether rape cases committed between 1986 and 2006 could be prosecuted beyond a five-year statute of limitations under the Uniform Code of Military Justice (UCMJ). The Court unanimously ruled that rape is a capital offense under the UCMJ and, therefore, not subject to a statute of limitations, impacting the prosecution of sexual assault within the military.