
Why Relevant Laws Are Ignored By The System When Solving Legal Disputes

Legal disputes are a constant thing in society and have to be solved with reference to the law. However, the system cannot refer to relevant laws any time there is a need to solve for such legal disputes. This is because of the dynamic nature of technology as well as the existence of written and amended laws in common law nations. The existence of common law nations such as the U.S. makes it difficult to use relevant laws when solving legal disputes (Kagan, 2009). The fact is that the laws that affect cases in such countries are found in written laws and precedents created by the court as a result of amended laws. In this situation, a definite relevant law cannot be said to exist since all laws are subject to amendment by judges or the court to suit the situation. Moreover, there is a high possibility that the two sides of the disputes will not agree on laws which are relevant. Every side will settle on a law they consider relevant in their favour, which makes it difficult to determine a law equally relevant to both. This is the case especially when it comes to how the laws will be applied and the associated facts that are involved in the case. The multiple numbers of cases in the legal system most of which are interrelated in a complex manner and have different rulings determine such situation. Although lawyers will look through most of these cases, they may not be able to satisfactorily convince their clients regarding the direction of the legal disputes.

Additionally, it is difficult to solve a legal dispute by referring to the relevant laws due to the dynamics of technology. In this era, technology keeps changing and brings revolution to the normal order of things. Consequently, most laws associated with areas of technology were established and enacted during the non-technology worlds. This implies that such laws have become obsolete such as the previous technology that was in place when they were enacted. Although these laws may be relevant when solving a certain dispute, they may not apply in a case where modern technology is involved. As a result, the courts have to first verify such laws and ultimately give a go ahead before they are used to determine legal disputes. For instance, they could assume a law that binds an individual to jurisdiction in all states where they do business as long as the individual meets minimum contacts in that specific state. Conversely, the courts have not determined general standards regarding the establishment of jurisdiction for businesses conducted online by individuals. In such a case, technology dynamics over time have necessitated the need to eliminate the use of relevant laws when solving for legal disputes.

Children's Internet Protection Act

In the year 2000, the Children's Internet Protection Act (CIPA) was enacted in a bid to address concerns regarding exposure of children to harmful or obscene content over the internet (Watters, 2017). CIPA was proved to be constitutional by the Supreme Court of the United States in 2003. The act establishes specific requirements on schools and libraries, which, in turn, receive discounts when accessing the internet. Moreover, CIPA allows the eligible schools and libraries to be connected to the E-rate program, which makes specific communications and products affordable. However, these schools and libraries do not benefit from the E-rate program unless they meet the CIPA requirements. Accordingly, the institutions in question should certify that they have put into place an internet safety policy for children. The protection

measures in place must filter images accessed by children through the internet and block child pornography as well as obscene images (Watters, 2017). These institutions should ensure that they hold a public meeting and address their proposal of adopting the internet safety policy.

Additionally, schools that are subject to CIPA must adopt internet safety policies that monitor the activities of minors while they are connected to the internet. Apart from these, the schools have a responsibility of educating these minors regarding responsible behavior while online. These include publicizing cyber-bullying, networking with friend, and interacting on social networks with other people. With this act, minors in schools can be monitored and educated to behave in an appropriate manner while on the internet. With this, the systems are also protected from unauthorized access such as “hacking”, which is conducted by minors online. The libraries too are required to adopt systems that address the unauthorized use and dissemination of information, especially by minors. Before any of these institutions can receive the E-rate funding, they have to certify that they are in full compliance with CIPA. Consequently, this blocking of content through safety policies is not permanent. This implies that an authorized person can disable the filtering measure such that they gain access to any content they want to for legal purposes. Moreover, CIPA does not necessitate the monitoring of internet use by either children or adults as long as the relevant safety policies are enacted.

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