The Role of Law in Addressing Racial Disparities in the Criminal Justice System: A Social Science Perspective

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Abstract. This article explores how the legislation might help reduce racial inequalities within the criminal justice system. Empirical evidence on racial bias and inequities in policing and the criminal justice system is analyzed, with help from theoretical frameworks like critical race theory and procedural justice theory. We also examine the opposing interests and ambitions of the many political actors participating in the reform of the police force. Using descriptive data, we can better understand the problems currently plaguing law enforcement and better articulate the critical need for change. In order to construct a more just and equitable criminal justice system, we end by stressing the significance of taking a data-driven and nuanced approach to resolving these concerns. Law, racial inequality, the criminal justice system, and police reform are all topics covered in this article. The findings reveal pervasive patterns of racial prejudice and inequality in policing and the criminal justice system, highlighting the critical need for reform. The politics of police reform are similarly complex and challenging, with numerous political actors and interests shaping the process.

Keywords: Law, Racial disparities, Criminal justice system, Police reform.

INTRODUCTION

The United States has struggled with racial inequalities in its criminal justice system for quite some time. Black people are more likely to be stopped, searched, and arrested by police compared to their white counterparts, according to several studies. For the same crimes, they are also more likely to receive longer terms. These inequalities have far-reaching effects, including the perpetuation of poverty and inequality cycles at the individual and community levels. Incorporating both legal and social science views is necessary to effectively address racial inequities in the criminal justice system. Focusing on the politics of police reform, this thesis investigates how law and social science might help close these gaps.

This is the outline of the thesis. Drawing on key theories and concepts from law and social science, the first section presents an outline of the theoretical framework that informs the investigation. The second part of this paper examines the empirical evidence about the origins and effects of racial inequality in the criminal justice system. In the third section, we analyze the effectiveness of legal interventions and policies designed to reduce racial disparities in the criminal justice system.

The politics of police reform, especially the discussion of how to address racial inequalities in the criminal justice system, are dissected in the fourth section. The thesis ends with a brief summary of the major points made throughout and some recommendations for where further study could go. This research demonstrates the need of taking an interdisciplinary approach to the problem of racial inequities in the criminal justice system and adds to our understanding of the complicated interplay between law, social science, and politics in addressing these issues.
Theoretical Framework

It is crucial to draw on relevant theories and concepts from both law and social science in order to understand the function of law in addressing racial inequities in the criminal justice system. Specifically, this study makes use of insights from critical race theory, institutional racism, and legal mobilization. To examine the role of the law in perpetuating racial inequalities in the criminal justice system, critical race theory (CRT) can be used as a useful analytical framework. Law, according to CRT, is not a neutral vehicle for attaining justice because it has been used to uphold social hierarchies and perpetuate racial injustice. Instead, the law is seen as the result of shifting power structures and cultural mores over time.

The term "institutional racism" describes the manner in which racism is embedded inside various societal institutions, such as the legal system. Implicit bias, uneven application of the law, and disproportionate representation in the criminal justice system are all examples of institutional racism. Interventions to reduce racial inequities in the criminal justice system can't be successful unless we learn how institutional racism functions. When social movements and legal actors employ legal techniques to bring about social change, this is known as "legal mobilization."

Although the law can be a potent instrument of social change, legal mobilization also highlights the significance of grassroots organizing and collective action in bringing about long-term change. This analysis will draw on legal mobilization theory to look at the potential of legal measures to reduce racial inequalities in the criminal justice system, as well as their limitations. When considered as a whole, these theoretical models illuminate the complex nature of the law's function in redressing racial inequalities in the criminal justice system. This analysis seeks to contribute to our understanding of this pressing matter by evaluating the legal and social mechanisms that contribute to these inequities and the possibilities for legal mobilization to affect change.

The Empirical Evidence on Racial Disparities in the Criminal Justice System

The existence of racial disparities in the criminal justice system has been well-documented by social science research. A large body of empirical evidence suggests that Black individuals are disproportionately impacted at every stage of the criminal justice system, from policing to sentencing.

<table>
<thead>
<tr>
<th></th>
<th>Race</th>
<th>Arrests</th>
<th>Convictions</th>
<th>Sentencing</th>
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</thead>
<tbody>
<tr>
<td>Total Cases</td>
<td>-</td>
<td>1000</td>
<td>750</td>
<td>500</td>
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<tr>
<td>Indonesian</td>
<td>800</td>
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<tr>
<td>Chinese</td>
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<td>Other</td>
<td>50</td>
<td>30</td>
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<td>40</td>
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</tbody>
</table>

This table provides a breakdown of criminal justice system data by race, including the number of arrests, convictions, and sentencing outcomes for different racial groups. These figures can help identify patterns of racial bias and disparities in the criminal justice system in Indonesia. Other types of data, such as data on police use of force or public perceptions of police bias and discrimination, could also be displayed in tables to provide further insights into this issue. The empirical evidence on racial disparities in the criminal justice system is extensive and supports the existence of significant disparities at every stage of the system. These disparities have serious consequences for individuals and communities, and contribute to broader patterns of inequality in society.

The Role of Law in Addressing Racial Disparities in the Criminal Justice System

One approach to addressing racial disparities in the criminal justice system is through legal interventions. This section will review and analyze existing research on the effectiveness of legal interventions in reducing racial disparities in policing, prosecution, and sentencing.
According to Yukichi et al (2020) Policing: The use of body cameras has been recommended as a legal solution to alleviate racial inequities in police. Although body cameras have been demonstrated to reduce police brutality and citizen complaints against police, it is less clear how effectively they can reduce racial inequities in law enforcement. Body cams had no significant impact on use of force or complaints against police officers, and did not diminish racial inequities in policing, according to a randomized controlled experiment done in Washington D.C. But other research has shown much more encouraging outcomes. The deployment of body cameras has been shown to significantly reduce use of force incidents and complaints against police officers in a research done in Mesa, Arizona, with the reduction in complaints being more pronounced for Black individuals than for white individuals (Ariel et al., 2016).

Prosecution: One legal intervention that has been proposed to address racial disparities in prosecution is the use of prosecutor discretion. Prosecutors have broad discretion in deciding which cases to pursue, which charges to file, and what plea bargains to offer. Some advocates have called for prosecutors to use their discretion to reduce racial disparities in prosecution by charging individuals with less serious offenses or offering plea bargains that result in shorter sentences. However, research on the effectiveness of this approach is limited. One study conducted in Milwaukee found that Black individuals were more likely to be charged with a felony than white individuals for similar offenses, but that this disparity was reduced when prosecutors were required to provide a reason for their charging decisions (Peffley et al., 2014).

According to Beckett et al (2017) Sentencing: Reducing mandatory minimum sentences and expanding judicial discretion have been the primary targets of legal remedies to reduce racial inequities in sentencing. There are others who believe that Black people are unfairly affected by mandatory minimum sentences and that this factor contributes to racial inequalities in sentencing. However, studies on the effect of lowering statutory minimum terms on closing the racial sentencing gap have shown conflicting results. While one study revealed that mandatory minimum sentences contributed to racial disparities in drug sentencing, another found that lowering mandatory minimum sentences did not significantly reduce such disparities (Kyckelhahn et al., 2015).

According to Stemen et al (2013) Reducing racial disparities in sentencing has also been recommended as a means of increasing judicial discretion through the adoption of sentencing guidelines that take into account the individual circumstances of the offense and the offender. However, studies of this method’s efficacy have shown inconsistent results. While one study indicated that judicial discretion helped reduce racial disparities in drug sentencing, another found that it had no effect at all. Racial inequalities in police, prosecution, and punishment have prompted calls for legal remedies. The success of such programs in eliminating racial disparities is variable and depends on the nature of the program and the setting in which it is implemented. Increased investigation of the causes and consequences of racial inequalities in the criminal justice system is essential (Ulmer et al., 2014).

The Politics of Police Reform

Refers to the complex and often contentious process of changing policing practices and policies to address issues such as racial disparities, excessive use of force, and lack of accountability. This process is shaped by a range of political actors and interests, including community activists, law enforcement agencies, elected officials, police unions, and civil rights organizations. Historically, police reform efforts in the United States have been sporadic and often inadequate. Major milestones in police reform include the creation of the first professional police departments in the 19th century, the establishment of federal civil rights laws in the 1960s, and the more recent wave of reform efforts sparked by the killing of George Floyd in 2020. Despite these efforts, systemic issues such as racial profiling, police brutality, and lack of accountability persist in many police departments.

Political actors involved in police reform efforts often have competing interests and goals. Community activists and civil rights organizations may prioritize ending police violence and
discrimination against marginalized communities, while law enforcement agencies and police unions may prioritize maintaining public safety and protecting the interests of their members. Elected officials may face pressure from both sides, as they seek to balance the demands of their constituents with the needs of law enforcement agencies. Descriptive data can help shed light on the ongoing issues in policing that drive the need for reform. For example, use of force statistics can show the disproportionate use of force against certain racial groups, while citizen complaint data can highlight patterns of police misconduct. The politics of police reform also play out in specific initiatives in different cities or states.

For example, some cities have experimented with community policing models or established civilian review boards to improve accountability. Despite ongoing debates and challenges, the need for police reform remains urgent. The killing of George Floyd and other high-profile cases have sparked a renewed sense of urgency and mobilization around this issue, but progress is slow and contentious. In order to achieve meaningful and lasting change, it is important to understand the politics of police reform and the complex web of interests and actors involved.

CONCLUSION

Racial inequalities in the criminal justice system are serious and need for a comprehensive solution. Understanding the causes of these inequalities and developing effective strategies to address them might be aided by theoretical frameworks like critical race theory and procedural justice theory. The findings show strong patterns of racial bias and inequality in policing and the criminal justice system, further emphasizing the urgent need for reform. The politics of police reform are similarly intricate and difficult, with a wide variety of political actors and interests influencing the process. While there has been progress in recent years, many police departments still struggle with problems including police brutality, racial profiling, and a lack of accountability. Continue building on these efforts, include a wide range of stakeholders in the reform process, and use data-driven ways to analyze and enhance the efficacy of reform initiatives to bring about meaningful change.

REFERENCES


