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Aristotle's Theory of Law

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Rule of law philosophy forms the very foundation of administrative. The phrase "the concept of legality" is where the term originated in French. It entails a legal system-based government rather than a government run by men. It fought against unjust laws, injustice, and anarchy in rule. When everything must be done in accordance with the law, a situation is said to be under the "rule of law." Rule of law is a phrase that contrasts with rule of man. The rule of law states that the foundation of the law should be the values of liberty, equality, non-discrimination, fraternity, responsibility, and non-arbitrariness. Law is viewed as superior and above all else in a society where the rule of law prevails. No one is exempt from the law. Equal protection under the law and equality before the law are the cornerstones of our constitution. No one should endure suffering unless there has been a clear violation of the law. Discretionary powers should only be used within legally acceptable bounds. Modern communities benefit from the Rule of Law because it offers stability and a clear process for settling disputes between neighbours in any size community.

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INTRODUCTION

Rule of Law refers to the application of the law, not the application of men, as the title suggests. Le principe de legalite, or the principle of legality, is the French phrase from which the English phrase "Rule of Law" is derived. According to the rule of law, everyone and every

group within a nation, state, or society must abide by the same set of laws. Ancient Greece, notably the thought of Aristotle, is where the Rule of Law first emerged. Aristotle debated whether having the finest laws or the best leader to lead is preferable in his book *Politics*. He discovered benefits and drawbacks to both governance approaches when researching this subject. However, he concluded that because laws were well-thought-out and could be enforced in the majority of circumstances, they were appropriate for most communities. The best laws should therefore be used to govern people.

The Rule of Law should be adhered to in current times, according to several nations worldwide. As a result, nobody in the US-not even the president-is exempt from the rule of law. Federal courts in the United States believe that businesses and other organisations must maintain to the Rule of Law. In addition, the courts have ruled that everyone must obey laws that can be found in the public domain and are decided impartially. International human rights norms should also be followed as laws should be applied fairly and consistently. A clear method for settling disputes between residents in whatever size community is provided by the Rule of Law in modern civilizations, which also brings stability. Aristotle asserted that "The rule of law is better than that of any individual," implying that the law must be upheld by all members of society, including the monarch. In a society, everyone (including both private citizens and public officials) must abide by the law, and it must be done in a fair and just manner. This is what is meant by the rule of law. The goal of the rule of law is to safeguard against arbitrary government. It serves as the cornerstone of a free society.

IDEA OF THE RULE OF LAW

Although there is no definition of "Rule of Law" in the Indian Constitution, the Indian judiciary frequently uses this it in judgments. As one of the fundamental elements of the Constitution, the rule of law has been proclaimed by the Supreme Court to remain unaffected by constitutional amendments. Good governance is seen to depend heavily on the rule of law.¹ In accordance with the rule of law, it is essential that the people be ruled by acknowledged

¹ Christopher Cobly 'What does the rule of law men' (*Find Law*, 21 May 2019)
<<https://www.findlaw.com/legalblogs/law-and-life/what-does-the-rule-of-law-really-mean/>> accessed 06 July 2022

laws rather than by rulings that are made at the whim of the authorities. For this reason, it is crucial to remember that any regulations set should be inclusive of everyone, universal and abstract, understood and certain.

The concept of the rule of law is credited to Sir Edward Coke, the Chief Justice under King James I. The concept of the rule of law is not new, Greek philosophers like Plato and Aristotle discussed the concept of the rule of law around 350 BC. According to Plato, "where the law is subject to some other authority and has none of its own, the collapse of the state, in my view, is not far off; but if law is the master of the government and the government is its slave, then the situation is full of promise and men enjoy all the blessings that the gods shower on a state." Law should rule, according to Aristotle, and those in positions of power should be subordinate.² The rule of law doctrine is the cornerstone of administrative law. Aristotle highlighted how the principles of justice, fairness, and inclusivity serve as the foundation for the understanding of the rule of law. Today it covers a complex web of essential principles, including uniformity, transparency, and accountability in administrative law, as well as equality before the law, equal treatment under the law for the government, and judicial independence.

RULE OF LAW IN INDIAN CONCEPT

Although the Indian courts have used this phrase in many of their rulings, In the Indian constitution the term "rule of law" is not defined in any specific way. The adage "The King can do no wrong" is untrue in India, since all public authorities are subject to the same laws and the jurisdiction of ordinary law courts. The Indian Constitution is supreme over the judicial, the legislative, and the executive branch. These three governmental bodies are required to act in a way that upholds the principles specified in the constitution. The Indian constitution contained many clauses that mention the rule of law. For instance, Indian constitution's expresses the desire to promote equality, liberty, and justice. The adage "The King can do no wrong" is untrue in India, since all public authorities are subject to the same laws and the

² Shubha Mongia, 'Rule of Law' (*Legal Service India*, 13 May 2019)

<<https://www.legalserviceindia.com/legal/article-719-rule-of-law.html>> accessed 06 July 2022

jurisdiction of ordinary law courts. The Indian Constitution is supreme over the judicial system, the legislature, and the executive branch. These three governmental bodies are required to act in a way that upholds the principles specified in the constitution.

Many of the sections in the Indian constitution include references to the rule of law. The Preamble of the Indian Constitution, for instance, expresses the goal of achieving equality, liberty, and justice. Equal protection under the law is guaranteed by Article 14³ as well as equality before the law. According to this, no one shall be denied equality before the law or equal protection under the law by the state. These phrases, which are included in Article 14, directly imply that everyone is subject to the rule of law and that no one is free to act arbitrarily. The fundamental precondition of the Rule of Law is that everyone be treated equally and without bias. In the *Maneka Gandhi v Union of India*⁴ decision, the Supreme Court said unequivocally that Article 14 prevents state acts from being taken arbitrarily and guarantees fairness and equity in treatment.⁵ An essential element of the Indian constitution is the rule of law, which forbids arbitrary behaviour. Arbitrariness denies the rule of law. The addition of protective discrimination as a measure of guaranteeing equality among equals in Articles 15, 16, and 23⁶ enhanced the ideal of equality even more.⁷ Another illustration that supported the concept of the Rule of Law in India is Article 13⁸ of the Indian Constitution. If rules, regulations, bye-laws, and ordinances violate India's constitution, they can be declared invalid under Article 13 of the Indian Constitution. The Rule of Law has been recognised by the Supreme Court as a fundamental aspect of the Constitution in *Keshavananda Bharti v State of Kerala*⁹. Although the Supreme Court supported the Parliament's right to amend every article of the Constitution in this case, it also placed restrictions on that right by stating that it cannot be used to change the Constitution's fundamental principles. Universal and unalienable rights are fundamental rights. These fundamental rights can only be protected by a state that

³ Constitution of India, 1950, art.14

⁴ *Maneka Gandhi v Union of India* (1978), AIR 597

⁵ Bhavani Kumar, 'Rule of Law in India' (*Academike*, 16th March 2019)

<<https://www.lawctopus.com/academike/rule-of-law-in-india>> accessed 06 July 2022

⁶ Constitution of India, 1950, art.15, art.16, and art.23

⁷ *Ibid*

⁸ Constitution of India, 1950, art.13

⁹ *Keshavananda Bharti v State of Kerala* (1973) Writ Petition (Civil) No.135/1970

upholds the rule of law. The fundamental right is mentioned in part III of the constitution. These Fundamental Rights are protected by Constitutional Articles 32 and 226¹⁰ and cannot be repealed.

The Indian Constitution is the highest law of the land, and all other laws must be in accordance with it. Any statute that contravenes a constitutional provision, especially one pertaining to fundamental rights, shall be ruled invalid. Liberty is one of the core principles of the Rule of Law, along with justice and equality. Article 21¹¹ of the Constitution guarantees the basic rights to life and freedom. All other laws must be in compliance with the Indian constitution, which is regarded as the supreme law of the land. Any statute that contravenes a constitutional provision, especially one pertaining to fundamental rights, shall be ruled invalid. Along with justice and equality, liberty is one of the Fundamental tenants of the rule of law.

Article 21 of the Constitution guarantees the fundamental rights to life and individual freedom. This Article holds that no individual may be deprived of their life or liberty unless doing so follows a legal process, making the law supreme. Additionally, such a right ensures that no one will be found guilty unless they commit a crime that was against the law at the time. The Indian Constitution is the highest law of the land, and all other laws must be in accordance with it. Any statute that contravenes a constitutional provision, especially one pertaining to fundamental rights, shall be ruled invalid. Liberty is one of the core principles of the Rule of Law, along with justice and equality. Article 21 of the Constitution guarantees the fundamental rights to life and individual freedom. This Article holds that no individual may be deprived of their life or liberty unless doing so follows a legal process, making the law supreme. Additionally, such a right ensures that no one will be found guilty unless they commit a crime that was against the law at the time.

¹⁰ Constitution of India, 1950, art.32 and art.226

¹¹ Constitution of India, 1950, art.21

Article 19¹² of the Constitution, which grants a number of individual freedoms, is another provision that upholds to the fundamentals of the rule of law because it stipulates that such freedoms may only be restricted under circumstances where doing so would be reasonable and would be permitted under Articles 14, 19, and 21¹³ of the Constitution. These three articles are known as the "golden triangle articles" because they are so important to the Indian constitution. The Supreme Court ruled in *E.P. Royappa v State of Tamil Nadu & Another*¹⁴ that all conditions outlined in Articles 14, 19, and 21 must be met by the state in order for it to justify its action of restricting a fundamental right.

CONCLUSION

Judicial review is a key rule of law derivation. The cornerstone of the rule of law is judicial review. It not only defends constitutional values but also verifies the legitimacy of administrative activities. Every action taken by the state bureaucracy is subject to judicial review, and the courts will decide whether or not it was reasonable. It was obvious that there were some flaws in the concept of the Rule of Law. Various nations have embraced the idea of the rule of law as a guardian of the constitution. It has taken control of administrative powers and understated them with its measures. According to the principles of the rule of law, the government creates laws or situations that do not violate anyone's right to dignity.

¹² Constitution of India, 1950, art.19

¹³ Constitution of India, 1950, art.14, art.19, and art.21

¹⁴ *E.P. Royappa v State of Tamil Nadu & Another* (1974), AIR 555