

The Detrimental Impact Excessive Laws Have on Society

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Abstract. In a time of political uncertainty, the rule of law dictates the behaviors and actions of all individuals in a form to create the societal structure in which everyone follows as a civilized society. Historically there has always been a need change laws as technology, political agendas, and demographic and cultural changes factor into the continual revisions required by lawmakers. Many laws because of this have become obsolete and even contradictory to certain past laws. Modern media often portrays changes to laws and regulations in a manner focusing on the effects of these changes, but not the necessity. Drawing from many past cases and expert insights, the implementation of ideas such as legislative review mechanisms and sunset provisions (along with the simple elimination of outdated laws) ensures an effective legal system. By analyzing current laws in the United States, this research put forward that there are simply too many laws in the United States as the Rule of Law suffers from this overregulation and inability to enforce.

Keywords: United States governance, The Rule of Law, Domestic overregulation, Political corruption, Political agenda.

1. Introduction

The continual debates over the passing of laws and statutes continue to plague the United States media as the major political parties struggle to reach consensus. Throughout all of this, the government has focused on the passage of laws without considering their necessity. Simply counting the number of laws has stumped the law community for decades [1], with estimates of their total count reaching into the tens of thousands. The excessive number of laws has led to detrimental consequences as society suffers from overregulation and the inability to enforce all laws.

American governance was built upon the legal systems set forth by the Judiciary Act of 1789, establishing the jurisdiction of federal courts and setting forth a new precedent in the American legal system that relies on common law – which is developed through judicial decisions and legal precedents [2, 3]. This allows for greater flexibility to ensure that the rule of law is equally suitable in all cases, mirroring current values and circumstances [4]. Over time, the societal needs continually become more complex and interconnected as laws – and the legal system as a whole – are used to address challenges in public and private lives. The legal system relies on the political ideal, the rule of law, which refers to all individuals being equal under the law to emphasize a fair, transparent, and applied government to enforce equality and protect individual rights and liberties.

The foundation of law lies in its ability to establish order and regulate human interaction/behavior, serving as an essential prerequisite for a well-functioning society [5]. Ideally, laws restrict behavior in a justified manner to ensure social order that allows people to conduct affairs safely [6, 7]. However, if there are laws being passed with lacking justification, it becomes crucial to examine the potential consequences and implications.

2. Impact

With each new political party comes a change in the current status quo. New regulations and laws signify a shift in power, a change for the better. But only in the short term. Federal regulators often look no further than the immediate impacts of each regulation without realizing the accumulation of laws have both “hindered innovation and damaged economic growth” [8]. Recent studies indicate the United States economy has suffered four trillion dollars due to regulatory measures implemented [9].

Industries are affected beyond simply economic loss, as principal issues go unnoticed in multiple sectors of the United States.

2.1. Healthcare

The healthcare system in the United States has faced significant criticism, one reason being overregulation. With the goal of meeting societal needs, regulations in the healthcare industry have now become overly convoluted - an example being the Affordable Care Act (ACA) – leading to inefficiency. It seems to be aligned with the general public's consensus in providing for everyone, but the opaque writing of the ACA undermines its own regulations put in place [10]. The ACA is a paradox. Its goals include greater affordability, expansion, and treatment, but the regulations hinder what it aims to achieve as it contributes to the rising costs. Compliance with these regulations necessitates additional staffing, training, and technology investments that are passed on to the billing process; it requires providers to hire additional legal staff to prevent liability risks and comply with the ACA. With regulations going over 10,000 pages [11], it creates an administrative burden upon the providers as it takes time away from physicians to care for patients [12]. This healthcare paradox is evident: despite high healthcare spending, the United States has poorer health outcomes compared to other nations [13]. It serves as a poignant reminder of the current system's failure.

2.2. The Rule of Law Page

The rule of law suffers when all laws cannot be equally enforced. When authorities selectively enforce laws – violating the rule of law – the objective nature of rules becomes subject to personal interpretations of morality. The scope of the law allows political leaders to enforce individual agendas. Both sides of the political spectrum are constantly trying to gain an upper hand through any means necessary [14]. Recently elected officials had great motivation to introduce and support legislation that criminalizes behaviors that are aligned to their voter base [15]. One famous case being former President Donald Trump's immigration policies. From his 2016 election victory, he began an anti-immigrant crusade starting with the Reforming American Immigration for a Strong Economy (RAISE) Act just one month into office with the hopes of reducing legal immigration by 50 percent [16]. Further policies were enacted, such as an annual ceiling of refugee and asylum seekers, an increase in denials for military naturalization, denial of H-1B visas [17], and the ending of the Deferred Action for Childhood Arrivals (DACA) program. The biggest change being the DACA program, which resulted in the deportation of 800,000 migrants based on Donald Trump's own personal bias. A clear pander towards the alt-right political party that supported the Trump administration, underscoring the influence political incentives have on the criminalization of behaviors.

On the other political spectrum, former President Barack Obama was criticized for an underenforcement of federal laws such as “gay rights, drug enforcement, Internet gambling, and school achievement standards” [18]. A shift in former President George Bush's “War on Drugs” was Obama's belief that criminal justice programs were ineffective, but through a public health initiative [19]. All previous presidents starting from Richard Nixon's declaration of the war on drugs changed when President Obama came into office. From stripping away the Drug Enforcement Administration's power to the pardoning of 231 drug convictions [20, 21], the Obama administration clearly had differing opinions regarding drugs. This demonstrates the influence of political agendas on the application of laws, rather than a neutral objective legal standpoint.

While it is true that laws are used to maintain social order, protect rights, and promote welfare, the appropriateness of certain laws with regard to the current social context is questionable. Recent additions to the law books may not have included any kind of investigation as to whether they are necessary. The presence of seemingly trivial and peculiar laws raises important questions about the prioritization and allocation of legislative efforts in addressing the pressing needs and challenges of our society. Ridiculous laws like section 8-1 of Georgia law where it is illegal to have chickens crossing the road or in Louisiana where the sending of an unsolicited pizza will be met with a 500-

dollar fine [22, 23]. These laws do not maintain the basic definition of laws, regulating unnecessary behaviors that bring no greater benefit in maintaining social order [24].

3. Suggestion

There is a need to address the ever-growing issue of excess law. Implementation of proactive approaches can create a streamlined process towards legal efficacy. The first solution would be an elimination of outdated laws that are not applicable to modern society. Beyond that, the application of legislative review and sunset provisions promise to bring great results in mitigating the burden of excessive laws. These mechanisms provide for a potential solution to the current issue presented at hand, also fostering a more balanced and efficient legal system.

3.1. Legislative Review

One method of the mitigation of law is through the implementation of legislative review, which means any review of existing or proposed legislation on both a federal and state level. This being one effective way to prevent the accumulation of unnecessary and ineffective laws. Easily initiated through multiple sources, any form of comprehensive assessment of the current landscape of the laws and regulations providing an independent review that could benefit the overall system.

The process of legislative review consists of legal experts, policymakers, and stakeholders that analyze the impact of the law in relation to current societal needs and overall effectiveness. Further gathering opinions from legal experts and other consultants, the legislative review process rigorously examines the law's necessity at a given time. Based on an overall consensus, lawmakers can decide to repeal, amend, or retain the laws in question.

3.2. Sunset Provisions

As a prevention of outdated laws, the application of sunset provisions specifically targets this issue of outdated laws as when applied these laws are to automatically terminate after a specified period of time unless renewed. Through this, legislative bodies are able to provide periodic reevaluation of laws as certain situations are subject to change. Laws are constantly reflected by the current societal conditions, and these sunset provisions allow for a constant modification of the regulation to fit all situations.

The sunset provision also allows for greater flexibility within the application of experimental or temporary laws. Different programs that have never been tried could be applied for a predetermined period, with the performance being assessed after. The incorporated of the sunset provision provides lawmakers with a natural mechanism in fostering a more responsive legal system through the prevention of outdated or counterproductive laws.

4. Conclusions

The debate regarding excessive legislation centers around the fundamental tenets of the rule of law. While laws are necessary in providing social order to a civilized society, a closer analysis reveals that there are simply too many laws regulating unnecessary behaviors. Society suffers as the healthcare system becomes incapable of providing proper service due to overregulation, and the current scope of the rule of law creates a system that allows leaders to further their own political agendas over objective judgement. There is a need for reform in order to better the lives of the layman without undermining the rule of law. Ignorance is no valid legal excuse, but ignorance is inevitable when the laws govern every aspect of life in an intricate and complicated form only a few can understand.

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