



THE SCIENCE OF LAWS INSTITUTE

– Scientific Knowledge of Laws and Lawmaking –

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QUALITY ASSURANCE PROGRAMS FOR LAWS

A law only has value for the people of a society if its problem-solving benefit is greater than the sum of its costs and other burdens. To determine if a law has positive value for the people within the jurisdiction of the law, a quality assurance (QA) program for laws is necessary.

Quality assurance programs use proven, objective scientific methods of measurement and analysis to evaluate the structure and performance of each law on a regular basis. [The Investigative Science \(http://www.scienceoflaws.org/about-us/glossary.aspx#h-i\)](http://www.scienceoflaws.org/about-us/glossary.aspx#h-i) of laws is the basis for the methodologies and tools of evaluation of the QA program for laws. If the QA evaluation demonstrates that a law does not satisfy the purpose of democracy, i.e., does not provide a positive net benefit to the people as a whole, the QA program will recommend that the legislature repeal the law. Also, laws that are not evaluated within a specified time period, such as a ten year interval, will be automatically repealed.

Those laws that are not repealed but have design defects or poor performance will undergo [Quality Improvement \(QI\) \(http://scienceoflaws.org/about-us/glossary.aspx#p-q\)](http://scienceoflaws.org/about-us/glossary.aspx#p-q) to simplify their language, remove design defects, and improve their performance.

As defective, unnecessary and detrimental laws are repealed by the legislature and as defects and errors of design are corrected, the performance of the body of laws will be enhanced and the chaos of laws will be eliminated. Resources that had been wasted on the repealed laws will consequently become available for more productive purposes.

CRITERIA FOR THE REPEAL OF LAWS

The following criteria constitute the basis of a QA program that identifies laws that do not serve the purpose of democracy. Laws that have been found to have any of the following features will be submitted to the legislature for repeal:

- Laws that address problems that have not been defined
- Laws that address problems that no longer exist
- Laws that address more than one problem
- Laws that lack a stated, measurable problem-solving goal, or purpose
- Laws that are not enforced
- Laws that violate human rights
- Laws that are overly vague or complex
- Laws that fail to achieve their goal
- Laws that lack a citation of references
- Laws whose burdens are greater than their problem-solving benefit
- Laws whose problem-solving benefit and burdens are equal
- Laws whose results cannot be measured
- Laws that interfere with other laws
- Laws that duplicate other laws
- Laws that have not undergone QA analysis within a specified time frame

EXPLANATION OF QUALITY ASSURANCE STANDARDS FOR THE REPEAL OF LAWS

Law that addresses a problem that has not been defined

Since a problem cannot be solved if it has not been defined, a law that does not address a defined societal problem cannot have value for the public, and must be repealed.

Law that addresses a problem that no longer exists

A law is unnecessary if it addresses a problem that no longer exists.

Law addresses more than one problem

A law is a single solution that applies to a single problem. Laws that address more than one problem (e.g., omnibus laws) never solve all of the problems simultaneously, and resources are wasted when a law continues in effect after the first problem has been solved but the remaining problems are not. It is also difficult or impossible for a QA program to measure the results of omnibus laws. For these reasons, omnibus laws must be repealed and replaced by single-purpose laws.

Law that has no stated purpose

A law that has no stated purpose is dangerous because the people who enforce, interpret, and comply with the law are forced to make their own judgments as to the intent of the law, and those judgments may be in direct contradiction with the law's intent. Also, it is impossible to perform an adequate quality assurance evaluation of a law that has no stated purpose in terms of a measurable objective.

Law that is not enforced

Laws that are not enforced cannot produce a benefit.

Law that violates human rights

A fundamental principle of democracy is that it is obligated to secure and uphold human rights. Laws that violate human rights must be repealed.

The language of the law is vague or complex

Vague and complex laws are prone to misinterpretations. They can subvert the public-benefit intention of the law, causing harm to the public.

Law is unable to achieve its stated goal

Failed laws are of no benefit to the people.

Law does not contain a citation of references

When a law does not include a citation of references, the only safe assumption is that the law was designed without the benefit of knowledge – a condition of ignorance that is not tolerated for any other product that has an effect upon the well-being of the public. Laws that do not contain a citation of references must be repealed.

The burdens of the law are greater than the problem-solving benefit of the law

When the burdens of a law (for example, costs, invasion of privacy, undesirable side effects) are greater than the benefit, it is harmful to the public and must be repealed.

The burdens of the law are equal to the problem-solving benefit of the law

When the burdens of a law (costs, invasion of privacy, undesirable side effects) are equal to the benefit, the net benefit (usefulness) to the public is zero. Useless laws are unnecessary and must be repealed.

The benefit of the law cannot be measured

If the problem-solving benefit of the enforcement of a given law cannot be measured, there can be no assurance that the law is doing anything of value for the people, no matter how well-intended, and there is a possibility that the law is more harmful than beneficial. Unless the effects of a law on a defined problem can be determined with acceptable accuracy, and its net effect on the public well-being is positive, the law must be repealed.

Law interferes with other laws

Laws are intended to provide a net benefit to the people as a whole. If a law interferes with the performance of another law, it must be repealed.

Law duplicates other laws

If a law is redundant, it is unnecessary and must be repealed.

The law has not undergone a quality assurance review within the past ten years

Laws exist in a dynamic societal environment. Therefore, each law must undergo a QA review periodically to confirm that it currently serves a useful purpose. Any law that has not undergone a QA review once every ten years must be automatically repealed on the presumption that it has become outmoded and is no longer useful. Application of this "sunset rule" will result in a dynamic body of laws that contains only those laws that have been currently and objectively demonstrated to be useful to the people.

If a given law is repealed by the ten-year sunset rule and it is subsequently determined, by reliable measurements and analyses, that the lack of that law is detrimental to the people, the law must be resubmitted to the legislature for consideration of reenactment.

Note: Repealed laws will be catalogued and sent to the historical archives of laws where they will become available for study by students, scientists, and law historians.

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