



MAASAI MARA UNIVERSITY

REGULAR UNIVERSITY EXAMINATIONS

2023/2024 ACADEMIC YEAR

THIRD YEAR SECOND SEMESTER

**SCHOOL OF ARTS, HUMANITIES, SOCIAL
SCIENCES AND CREATIVE INDUSTRIES
DIPLOMA IN CRIMINOLOGY AND PENOLOGY**

COURSE CODE: DCR 115

COURSE TITLE: LAW AND SOCIETY

DATE: 20/5/2024

TIME: 1430-1630 HRS

INSTRUCTIONS TO CANDIDATES

- Answer **Question 1** and any other **TWO** Questions.
- Marks will be awarded for clearly provided answers backed with authorities.

SECTION A - 30 MARKS (COMPULSORY)

QUESTION ONE

- A. Define the term law and provide FOUR attributes of the law. (5 marks)
- B. Discuss the interrelationship between society and the law. (5 marks)
- C. Describe the functions of the law in society. (5 marks)
- D. List the various principles and national values provided under Article 10 of the Constitution of Kenya 2010. (5 marks)
- E. List and explain the various sources of law in Kenya. (5 marks)
- F. Briefly explain the difference between common law and equity. (5 marks)

SECTION B - 40 MARKS

QUESTION TWO

- A. Discuss the role of the judiciary and justice system in the Kenyan society. (10 marks)
- B. Different THEORIES have been put forward to explain the origins of societies. Citing authorities, list and elaborate on FOUR key theories that explain the emergence of society. (10 marks)

QUESTION THREE

- A. Define the terms law and morality and provide FIVE differences between the two concepts. (10 marks)
- B. Discuss FIVE different institutions that are responsible for the enforcement of laws in Kenya. (10 marks)

QUESTION FOUR

- A. Article 10 of the Constitution of Kenya provides for the national values and principles of governance. List and explain any FIVE national values and principles of governance (10 marks)

B. Law in the modern sense, is not an end in itself, but is a means to an end.
Having this in mind, briefly provide FIVE functions of the law in society.
(10 marks)

QUESTION FIVE

A. List and elaborate on the different methods of social control that are present in society. (10 marks)

B. Define the following key terms and concepts under law and society:

- Society (2 marks)
- Rule of Law (2 marks)
- Social justice (2 marks)
- Social control (2 marks)
- Social conflicts (2 marks)

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LAW AND SOCIETY COURSE OUTLINE

Course Purpose

The purpose of this course is to equip the students with knowledge and skills on the relationship between the law and society as institutions or groups that co-exist together.

Expected Learning Outcomes

By the end of the course, the learner should be able to:

- Define the concepts law, society and other related concepts
- Explain the relation between law, society and legal process
- Interrogate the linkages between African Customary Law and Western common and statutory law
- Explain the types of law and their functions.
- Conduct research and disseminate findings

Course Content

Definition of law; society and the social foundations of law; societal norms, mores and values; sociology of the legal process; the educational functions of law; African customary law and Western common and statutory law; types of law : land law, labour law, marital law, commercial law, urban planning law, etc ;law and the functions of social institutions

Mode of Course Delivery

The following teaching and learning methods will be employed: face to face interactions including face to face lectures, class and group discussions, group study, case studies, project work, student guided innovations, as well as invited expert speakers.

The teaching and learning process will be supported and facilitated using a number of ICT applications.

Instructional Materials/Equipment

LCD projectors, Chalkboards/whiteboards, Resource persons, Reference materials, Writing materials and Computers

Course Assessment

Type Weighting (%)

| | |
|-----------------------------|----|
| Continuous Assessment Tests | 30 |
| Main Examination | 70 |

Core Reading Texts

1. Vago, S. (2015). *Law and society*. Routledge.
2. Dayton, C.H. (2012). *Women Before the Bar: Gender, Law, and Society in Connecticut, 1639-1789*. UNC Press Books.
3. Calavita, K. (2016). *Invitation to law and society: An introduction to the study of real law*. University of Chicago Press
4. von Benda-Beckmann, F. , & von Benda-Beckmann, K. (Eds.). (2016). *Spatializing law: an anthropological geography of law in society*. Routledge.

Text books and Journals for Further Reading

1. Schwabach, A. (2014). *Internet and the Law: Technology, Society, and Compromises: Technology, Society, and Compromises*. Abcclio.
2. Murray, A. (2013). *Information technology law: the law and society*. Oxford University Press.
3. Sandberg, R. (2014). *Religion, law and society*. Cambridge University Press.
4. Faulkner, A., Lange, B., & Lawless, C. (2012). Introduction: Material Worlds: Intersections of law, science, technology, and society. *Journal of law and society*, 39(1),1-19.

Course Outline

Week 1: Nature of Law and Society

- i. Introduction
- ii. What is Law
- iii. Nature of Law and Society
- iv. Classification of Law

Week 2: Sources of Law and Legal Authority in Kenya

- Constitution
- Statutes
- Delegated Legislation
- Equity
- Common Law
- Statutes of general application in Kenya before or after 12th August 1987
- Customary law
- Acts of Parliament of UK

Week 3: Functions of Law in Society

- i. Structure and control of power
- ii. Protection of fundamental rights and freedoms
- iii. Facilitate and give choice to private choice
- iv. Resolve social conflicts

Week 4 & 5: Relationship Between Law and other Social Sciences

- Anthropology
- Economics
- Political Science
- Sociology
- Psychology

Week 6: CAT 1

Week 7: Law & Social Control & Change

- i. What is social control?
- ii. How is social control achieved?
- iii. How is social control enforced?
- iv. What is social change?

- v. Causes of social change?
- vi. Societal control and techniques

Week 8: LAW AND REGULATION OF BASIC SOCIAL INSTITUTION

- Family
- Economics
- Religion
- State
- Education

WEEK 8: INTRODUCTION TO LAW AND MORALITY

WEEK 9: CAT 2

WEEK 10: CONTEMPORARY ISSUES

- i. Classification of minorities
- ii. Persons with disability
- iii. Women as a minority
- iv. Children and youth
- v. Marginalized communities
- vi. Legal reforms

Core Texts

1. Wacks Raymond, *Understanding Jurisprudence* (Oxford University Press 2015)
2. John R. Sutton, *Law and Society: Origins, Interactions and Change* (Pine Forge Press 2001)

Further Reading Material

1. Todaro, Michael and Stephen C. Smith, Addison Wesley, *Economic Development* (10th Ed, Addison Wesley 2015)
2. Fitzgerald P. J, *Salmond on Jurisdiction* (12th Ed: Sweet and Maxwell 2012)
3. Dworkin, Ronald. *Law's Empire*. (Oxford Hart, 2012)
4. Peter Mugambi, *An Introduction to Law* (Law Africa 2011)
5. Sherly J. Grana et al, *The Social Context of Law* (2nd Ed, Pearson 2002)
6. R.S. Bhalla, *Concepts Of Jurisprudence* (Nairobi University 1990)

Statutes

1. The Constitution of Kenya 2010
2. Judicature Act Cap 8

The following materials contained herein are not exhaustive. Students are advised that further readings will be provided during classes.

N/B: Kenyan case laws can be obtained from the Kenya Law website (www.kenyalaw.org)