

COURSE CODE: RFC 203

COURSE NAME: LEGAL SYSTEMS & SOCIAL POLITICAL THOUGHT

DEPARTMENT/SCHOOL: RIARA LAW SCHOOL

SEMESTER: MAY-AUGUST 2024

END OF SEMESTER FINAL EXAM

COURSE LECTURER: DR. FRED OLWENDO

INSTRUCTIONS: EXAM HAS TWO SECTIONS, A & B

SECTION A: ANSWER ALL QUESTIONS IN THIS SECTION (30 MARKS)

1. The doctrine of separation of powers is evident in Kenya when **(5 marks)**
 - A. The judiciary does its work without interference or regard for anyone
 - B. The executive has their way in ensuring legislation in parliament aligns with the political interests of the President and his party
 - C. The executive, the judiciary, and legislature always reading from the same script so to speak
 - D. The judiciary, the legislature, and executive, while maintaining their independence, understand they need each other
 - E. All of the above
 - F. None of the above

2. Laws are the product of society's beliefs. Use 2 points to reject or defend this view **(5 marks).**

3. The term *preponderance of the evidence* means what as learnt in this course? **(3 marks).** Describe the context under which this term is relevant and *admissible* in a formal legal dispute (i.e., is it a requirement to be met in adjudicating cases under the Shariah law,

African Customary law, Civil law, Criminal law, or Communist laws; 5 marks). Use an illustration showing how this term is applicable in the legal dispute of your choice above
(2 marks)

4. The Supreme Court of Kenya (i.e., Chief Justice, Deputy-Chief Justice, and the Supreme Court judges) embodies the Supreme Law of Kenya, therefore holds unchallengeable authority on any matters pertaining to the law(s) of the Republic of Kenya. A true or false statement? If true, defend your position, showing clearly why you think that way, making clear the sources from which you are drawing from to make this case. If false, defend your position, explaining clearly why you think that way, making clear the sources from which you are drawing from in taking this position.
(10 marks).

SECTION B: QUESTION 5 IS COMPULSORY. ANSWER ANY ADDITIONAL 1 QUESTION IN THIS SECTION. IN TOTAL ANSWER 2 QUESTIONS IN THIS SECTION (40 MARKS)

5. The Riara University Academic Senate wants to know the contribution of Legal Systems and Social Political Thought course to the overall student development and wellbeing both in the university and beyond. The university is in the process of reorganizing the curriculum. Courses that don't add much value to the students and the society as a whole are going to be scrapped. Your opinion as someone who has taken this course has been sought. Address the Senate's concerns by answering the following
- (i) How this course has contributed in benefitting you in your other courses at Riara University this semester **(5 marks)**
 - (ii) How this course has benefited you personally as a student taking (your program at RU), and how you see this course blending with your future career prospects **(10 marks)**
 - (iii) What you liked about this course that could be used to benefit future students **(5 marks)**
6. The government of Kenya has been grappling with the problem of street protests, popularly known in Kenya as *Maandamano*. Many in the government circles think the protests are a nuisance, annoying, time wasting, and most of all, distracting them from carrying out their duties as elected leaders. They are now contemplating banning street protests altogether. Because of your background and expertise in *Legal Systems & Social Political Thought*, you have been approached by the Speaker of the National Assembly as a consultant. They would like you to advise the government on best approach the

government could use in handling the protests. On August 25, 2024, the National Assembly will have a sitting during which they shall listen to your presentation on best way to deal with these protests.

TASK

Design, and outline 3 main points you will use to make your case to the National Assembly. Ensure that each of these points is well explained and defended, showing clearly the sources from which you are drawing from.

The Assembly will be persuaded only if your presentation is grounded within the law and advances the interests of the country. And to do this, you will need to make use of the knowledge and experience gained from the course called Legal Systems & Social Political Thought. **(20 marks)**

7. The impact of the dominant legal systems around the world continues to be felt by how they have continued to affect our lives especially when it comes to critical matters and decisions we have to make or face from time to time. You have been asked to pick one dominant legal system learnt this semester and defend the above position under the following key areas **(20 marks):**
 - (i) Identify and fully describe the legal system you have in mind **(5 marks)**
 - (ii) Discuss 1 instance where this particular legal system has been a topic of public interest or discussion in the modern age; be sure to provide the history, background and context of the issue that was at stake hence public interest or discussion **(10 marks)**
 - (iii) Discuss 1 lesson that can be drawn about this particular legal system in its handling of a specific issue of public interest or discussion you have described in (ii) above **(5 marks)**