

# What is law?

[Law](#), [Common Law](#)



What is law? Definition of law. Everyone knows something about law from personal, experience, television, or newspaper. The exactly law is a system of rules; it's usually enforced through a set institution. Law also a variable publish agency, custom, people commit them low set of rules that guide our conduct society which is enforceable. Law has several aims; they are all concerned with making society more stable and enabling people of to flourish. One way of doing this is to set up and official framework of compulsion. The law flourish certain ways of behaving, like murder, libel, and parking on double yellow lines and requires others, like paying income tax. If people disobey the rules the law threatens them with something unpleasant (often called a sanction), like being punished or having to pay compensation. The idea more securely. If they are more secure they will treat one another better. The second aim is to provide facilities for people to make their own arrangement. Law guarantee to people who buy and sell goods, mike will, take employment, from companies and so on that the state will if necessary enforce these arrangement. The third aim is to settle disputes about what the law taking is and whether it has been broken. Taking these three aim together we see that law not only threatens those who do what it forbids but promises to protect people's interest. It imposes restrictions on them but also gives them certain guarantees. Lastly, a very important aim of law is to settle what the system of government is to be. Today and for the day last few hundred years we have been mainly governed by sovereign state. That is changing. We are now increasingly governed, indirectly or directly, by international bodies. Law the state is to be governed (its constitution). What duties it owes its citizens, and what duties they owe to one another and to it.

The law of the state consist, therefore of a system of government, together with framework for making the life of citizens more secure and for enabling them to flourish. Since each of state has its own system of law. The law of states offer a bit but also have much in common. International law is a system on top of state. It presupposes state law, and could not exist without it, because international law can only be enforced if states are prepared to put it into effect. But it serves a different community. The international law is about the relation between independents state. It treat as equal, whether their population wealth and power, so that in international law Barbados is an a level with Japan. Like state a law, international law consists of several elements. Again all of them aim at stability in international life and the encouragement of trade and other contacts between states. International law lays down how international bodies such as the United Walton's are set up, and what powers they have (their constitution). It also says law state must treat one other, how they must behave to international bodies and how towards them. It provides facilities for state to make binding agreement (treaties') and for the settlement of deputes. Answer (a). In order to advise to Albert in this case that he was commit in theft. Before we charge him for theft act, firstly we want to know about theft. The historical background of the theft is. The theft Act 1968 resulted from the efforts the criminal law revision committed to reform the English law of theft. The Larceny (theft) Act 1916 had codified the common law, including Larceny it self, but it remained a complex web of offences. The intention of the theft Act 1968 was to replace the existing law of Larceny and other deception related offences, by a simple enactment, creating a more coherent body of principles that would

allow the law to evolve to meet new situations. The Act received the Royal Assent on 26 July 1968. This Act provides a code of the most important offences of dishonest dealing with property. " Theft" it is a person quite of theft of he dishonestly, appropriates, property, belonging to another and with intention of permanently depriving, the other of it, and theft shall be construed accordingly. In theft also have two main things that prove the theft that is actus rea and mens rea. This two are main thing to prove that a person involve in theft or not. The actus rea is appropriate, property, and belonging to another and mens rea is the intention of permanently depriving the other of it and dishonesty. According to the Albert case he is involve in theft. Because, Albert was borrowed a criminal law book from Jane and told to her that he need the book on loan for two weeks. After he borrowed the book the next day he goes and sold the book to his classmate Edwin for £30 and took his girlfriend Nancy for a movie. When after the two weeks Jane came and asks Albert to retain her criminal law book. But Albert says he needs the book for another week. Jane also gives permission to him to use her book for another one week. After a few days Jane saw that Edwin using her book. After that she near to Edwin and asked her to return the book. But Edwin said that he bought the book from Albert for the value of £30. Actus rea, When Albert borrowed Jane's criminal law book for two week only. But Albert assumption right of the owner of the book that is Jane's and sold the book to his classmate. From this Act show that he got assumption by a person at the right at an owner (Jane) amount to an appropriation, and this includes, where he has come by the property without stealing it, any later assumption of right to it keeping or dealing with it is owner. Assumption of a

right, of an owner amount to an appropriation. It is obvious that this extends the scope of the overall offences so that acts which might naturally be regarded as more preparation or attempt would, because they involve assumption of a single right, constitute the actus reus of the full offence. For example: Morris case. In Morris case, D going to the supermarket to buy an article. Where D switched the label on the shelves of a supermarket with the intention of buying the more expensive article for the less expensive one. The right to label the goods is a right of the owner, so the label switched amounted to an appropriation and theft. D of course intended to deceive the cashier and to obtain the good by deception, an offence under s15 of the 1968 act. So far as s15 is concerned, the label switched is probably a merely preparatory act, no matter, it is theft contrary to s1. This would be so even if D then abandoned the enterprise, leaving the goods with the switched labels safely on the shelf. Even if he found them, that could not undo the theft he had committed. It is important to remember that in this case D must be shown to have mens rea the intention to permanently deprive and dishonestly, there would not necessarily be completed theft where D moves articles in a supermarket as a prank. When compare the Morris case and Albert case there was sameness. In Morris case when D even re switched the label on the article but still he involved in theft. So like that in Albert case even Albert bought the same criminal law book from Edwin and gave to Jane, Albert still included in theft Act 1968. Because when time he sold the book it shows that he already got intention permanently deprived the book from Jane, and Albert was dishonestly to Jane. Property. The criminal law book is the property in this Albert case. The property which may be stolen are defined in s4

of the theft Act 1968, and the broad effect of this section is that all property may be stolen subject to certain exceptions in relation to land, things growing wild and wild creatures. S4 (1) of the Theft Act 1968. Property includes money and all other property real or personal including in action and other intangible property. This is so wide that it does, however, tell us that property does not have to be physical in order to be stolen. Although it must be capable of appropriation, intangible property may include. In this case, Albert was permanently deprived of Jane's book and sold to Edwin. This case falls under s4 (1), because a book is a property and money also in this Albert case. He does not have the right to sell the book. Because he is the owner of it. Without the original owner's permission, he does not have any right in the book, unless he has bought the book from the original owner (Jane). Belonging to another. For this, generally, when property is dishonestly appropriated, it must belong to another in order for that appropriation to amount to theft. S5 (1) gives a general definition of belonging to another which goes beyond ownership. Property shall be regarded as belonging to any person having possession or control of it, or having any proprietary right or interest, not being an equitable interest. Belonging to another in this case, Albert has possession or control of the following criminal law book that he borrowed from Jane. He does not have the right to do anything to the book. Mens rea. The main thing for mens rea is Latin for guilty mind. In criminal law, it is viewed as one of the necessary elements of a crime. The definition of theft in section 1 requires that the appropriation should be with the intention of permanently depriving the owner of it. The italicised words are the same as these in the definition of Larceny in s1 of the Larceny Act 1916. The intention to deprive must be a

settled one at the time of the appropriation. What may be loosely described as conditional appropriation will not if the appropriator has it in mind merely to deprive the owner of such of his property as on examination prove worth taking and then finding that the booty is valueless to the appropriate leaves it ready to hand to be repossessed by the owner, the appropriate or has not stolen. For the subsequent history of this dictum of Edmund Davies L. J. which caused difficult in burglary with intent to steal. In theft act 1968 s6, a person appropriating property belonging to another without meaning the other to lose the thing itself is never tells to be regarded as having the intention is to treat the thing as his own to dispose regardless of the other right and a borrowing or leading is for a period and in circumstances making it equivalent to an outright taking of depriving or disposal. When we regarding to the intention of depriving permanently is proved Albert case. Because Albert was sold the book that he was borrowed from Jane. The dishonest in this of Albert is when he does not given back the book was borrowed from Jane. When time Albert act to sold the book is show that he want to deprive the book permanently from Jane. The conclusion in this case is Albert was proving that he is involved in theft act 1968. Answer (b). In this case Freddy was involved in rape without consent. To prove that we should to know about rape. Rape was an offence at common law. The definition of rape is continued in force until the sexual offence, act 1976. The sexual offences act 1956 simply proved that, it is an offence for a man to rape a woman. In 1976 act provided a statutory definition which codified the common law as laid down by the house of lord in DPP v Morgan. That provision has now been replaced by the criminal justice and public order act

1994 s142, which redefines rape by substituting a new s1 of the sexual offence act 1956. By s1(1) of the 1956 act it is now an offence for a man to rape a woman or another man. The rape s goes on when a man commit rape if he has sexual intercourse with a person (whether vaginal or anal) who at the time at the intercourse does not consent to it. In this case Freddy is prove that he was rape without consent, because when he rape her she was in unconscious state. The actus reas of rape is of rape is the phrase, " carnal knowledge", formerly favoured in statutes, was replaced in the consolidation by the sexual offence act 1956. S44 which applies to anal as well as vaginal intercourse, provides some guidance as to the meaning of that term. About on this case Freddy has knowledge or have intention to rape her. Because in wherever on the trial of any offence under this act, it is necessary to prove sexual intercourse whether natural or unnatural it shall not be necessary to prove the completion at the intercourse by the emission of seed, but the intercourse shall be deemed complete upon prove of penetration only. In this case Freddy was penetrated Sabina, when she in unconscious. The slightest penetration will suffice. In the case of " vaginal" intercourse and penetration of the female genitalia was enough at common law. It was not necessary to prove that the hymen was rapture or that the vaginal in its proper sense was penetrated. That want to know that the victim in consent or not. According to Freddy case Sabina does not have consent. At one time it was stated that the intercourse must have been procured through force, fear or fraud. If the victim did not consent, the actus reus occurs, whether the reason for the absence of consent. Example case, in Larter it was rape to have intercourse with a girl 14 years old while she sleep. The court of held it was rape.



Because the D was reckless about the woman consent. When we commit to Freddy also was rape Sabina while she in unconscious. Consent and threat also is less certainly about the range of threat which will negative consent, and is not to be treated as consenting if she consent “ because a threat, express or implied, has been made to use force against her or another if she does not consent. The mens rea of sexual offence is D must know that P does not consent or be reckless whether she consent. It is submitted therefore that the mens rea is an intention to have sexual intercourse with P. (i) knowing that P does not consent, or (ii) being aware that there is a possibility that she does not consent. The subjective recklessness is a D is aware that the victim is consenting or possibility that the victim is consenting and proceeds to have sexual intercourse there for he is reckless. Another one is assault with to rape. There is no doubt that an indictment for assault with intent to rape would lie at common law but it is not certain whether it was a specific. S38 offence against persons act 1861(OAPA 1861) which provide that assault with a felony was punished with two years imprisonment. In s39 criminal justice act 1988 (CJA 88) and it also a physical assault. A person guilty of battery if he intentionally or recklessly applies force to another to which that the person did not given a valid consent. I conclude for this case is Freddy will punished for rape under s3769 (1). The rape also cans imprisonment for 20 years and whipping. (2627 words)