

# Legal framework



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The Law of a particular state is the body of rules designed to regulate human conduct within that state. This can be defined clearly as an organized system of principles and rules designed to control and influence the conduct of individuals and groups. The aim of most legal systems, officially at least, is to provide a means of influenced by the major forces that shaped the society in which they operate. Consequently there are three types of rule:

Rules, which forbid certain types of behavior under threat of penalty. Rules, which require people to compensate others whom they injure in certain ways. Rules, which specify what must be done in order certain types of human activity, example: to form a company, to marry, or to make a will.

Although it is inevitable that the courts will make some rules, Parliament is the sovereign body. It can therefore impose new rules or abolish any existing rules. The basic role of the courts is to interpret these rules, decide whether they have been broken and pass sentence or make an award of compensation.

**Law and Morality** The law, which is enforced by the courts, must be distinguished from what is sometimes referred to as 'natural' or 'moral' law. In many cases the rules of law and morality clearly coincide. Example: If a person murders another, this offends both law and morality. The state will therefore punish the offender. Sometimes, however, the rules of law and morality are not the same. Example: Homosexual behavior in private between consenting adults is not illegal although some people might regard it as a breach of moral law.

The term 'natural law' is sometimes used to refer to rules, which although not enacted are accepted as part of the legal system. Example: The right of both sides to be heard (or to remain silent), and the principle that an accused person is innocent until proven guilty. Law and Justice The basic aim of law is the attainment of justice in society. However, in some situations the degree of justice hoped for is not achieved. Example 1 : Compensation for injuries usually depends on proving that someone else is at fault.

If a person is injured due to his own fault, or in a 'pure' accident where no one is at fault, he will not receive compensation unless he is insured. This inequality Example 2: The rules regarding mistake and misrepresentation in the formation of a contract often operate to determine which of two innocent parties must bear all of the loss. The loss is not divided equally, case to be referred *LEWIS v AVERY* (1971). Example 3: Sentencing policies applied by magistrates in different areas often result in substantially different sentences for very similar offences.

Conclusion It would therefore be an oversimplification to say that most people obey the law because it is just, or because it coincides with their view of which is morally correct. Law is also closely related to force and authority and these relationships would have to be examined in order to properly explain the intrinsic nature of law, and to find out why most people obey the law. Therefore law is the most ambitious and complex classification system devised by man.