INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - DECEMBER 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 3/SEMESTER 1
COURSE CODE: LLB 3105
NAME: JURISPRUDENCE I

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

Compulsory

Question 1:

In 2026, Parliament passes the Public Morality (Regulation of Conduct) Act, which criminalises:

"…any form of public behaviour that offends societal morality or good order."
The Act does not define "morality," "good order," or what conduct is prohibited. Violations attract a fine of UGX 20 million or imprisonment for five years.

Soon after, several arrests are made:

- A street preacher is arrested for "shouting loudly and disturbing moral peace."
- A journalist is charged for publishing a story criticising a government minister, which police classify as "immoral behaviour undermining good order."
- A university student is arrested for wearing what police call "provocative clothing."

Civil society petitions the Constitutional Court, arguing that the law is vague, violates Articles 28, 29 and 43 of the Constitution, and gives police unfettered power. The Attorney General defends the law, arguing that Parliament is sovereign in criminalising immoral behaviour, and courts must respect legislative intent.

As a judge of the Constitutional Court, apply the principles of legal positivism and Uganda's constitutional framework to determine the constitutionality of the Act.
In your answer:

a) a) Analyse how a strict positivist judge (in the tradition of Austin or Hart) would view the validity of the law.

b) Evaluate whether the judiciary should uphold or strike down the law, balancing positivist fidelity to enacted law with the Constitution's normative commitments.

Question 2:

Five Ugandan mountaineers are trapped for 18 days inside a collapsed cave in the Rwenzori Mountains. Rescue efforts are delayed by storms. Food is exhausted after the first week. In desperation, the group consults a satellite phone link with the rescuers, asking whether they can kill one member for survival. The rescuers decline to advise. The mountaineers draw lots and kill Musa, the one selected, to stay alive.

They are rescued and charged with murder under sections 188–189 of the Penal Code Act, which carry a mandatory death sentence. The statute contains no exception for necessity or survival situations.

During trial, the accused argue:

- They acted out of extreme necessity.
- They were effectively in a “state of nature.”
- The mandatory death penalty violates Article 24 and 44(a) of the Constitution.
- The statute must be interpreted purposively to avoid injustice.

The prosecution argues that the law is clear: killing a person intentionally is murder, and courts cannot rewrite Parliament’s words.

Required: *Based on any school of though of your thought of your choice, advise the court on how to handle this matter.*

SECTION B

Choose two (2) questions only

Question 1:

Write short notes on the following; -

a) Meaning of jurisprudence

b) Pure theory of law

c) Sociological school of law

d) Features of the Scandinavian theory of law

Question 2:

Write short notes on the following; -

a) Anthropological theory of law

b) Historical school of thought

c) Morality of the law

d) Law Vs Religion

Question 3:

Write short notes on the following; -

a) Judicial activism

b) Legal positivism

c) Social contract

d) Utilitarianism

Question 4:

Write short notes on the following; -

a) Kelsenian theory of law

b) Hart's concept of law

c) American realism

d) Positivism

SECTION C

Answer two questions only

Question 1:

"The natural law school of thought provides a hierarchy of laws and a foundation of the relationship between law and morality." Per Mable LLB3.

With reference to the different proponents of this school, discuss the validity of this statement.

Question 2:

Critically analyze the case of the speluncean explorers (Lon. L Fuller, 1949) in light of the different schools of legal thought. Discuss how each judge's opinion reflects the underlying jurisprudential theories on the nature and purpose of law.

Question 3:

Man was born free and he is everywhere in chains. The social contract seeks to address how we can be free and lie together, or to put it another way how we can live together without succumbing to the force and coercion of others.

Discuss the social contract theory and its relevance today.

Question 4:

Discuss the major propositions of the sociological school of jurisprudence and relevance in understanding law in the third world countries.

Question 5:

According to Hans Kelsen, a revolution is successful when the new authority effectively replaces the old basic norm, thereby creating a new legal order."

With reference to Uganda's constitutional history, critically examine the applicability of Kelsen's theory of revolution in Uganda today.