



INTRODUCTION TO LAW AND ETHICS

A Practical Learning and Professional Handbook

Synapse Global Institute

Connecting Minds. Transforming Futures.

INTRODUCTION TO LAW AND ETHICS

A Practical Learning and Professional Handbook

Synapse Global Institute

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Preface

Introduction to Law and Ethics brings together the legal foundations and ethical principles that support sound personal, professional and commercial decision-making. The book begins with the nature, purpose, classification and sources of law, then moves through administrative law, constitutional control of public power, ethics, dispute resolution, courts, legal personality, tort, contract, sale of goods, partnership and property law.

The book is organised as a progressive learning journey. Each chapter begins with clear learning objectives, a roadmap and selected case-law authorities. Explanatory sections develop the governing concepts, while tables, short scenarios and integrated applications help the reader move from definition to legal reasoning.

Throughout the book, emphasis is placed on accurate legal vocabulary, disciplined issue identification, ethical judgement, practical application and concise communication. Case law is used as a teaching anchor: the reader should understand the legal principle for which an authority is cited and then apply that principle to the facts of a new problem.

The legal environment evolves. Statutes, regulations, court decisions and administrative procedures should therefore be checked against current official sources whenever the reader is dealing with a live matter.

How to Use This Book

Begin each chapter with the learning objectives and chapter roadmap. They identify the concepts and skills that should be understood before moving to the application sections.

Read the explanatory sections for meaning rather than memorising isolated labels. Use the comparison tables, decision rules and case-law notes to connect a legal principle to the type of facts that activate it.

Attempt the integrated cases and practice questions before consulting the explanatory notes. For problem questions, use a disciplined sequence: identify the issue, state the governing rule, apply the rule to the facts and give a reasoned conclusion.

Use the vocabulary and recap sections for retrieval practice. Later chapters deliberately draw on earlier material, so periodic cumulative review is encouraged.

Case citations are included to support legal understanding. Focus first on the principle illustrated by the authority. Where a current legal issue depends on statutory wording, procedure or jurisdiction, verify the current law before relying on a simplified learning example.

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CHAPTER 1

Foundations of Law: Nature, Purpose, Classification and Sources

This chapter establishes the vocabulary and architecture of law. It explains why law is enforceable, how legal rules are classified, how law and morality relate, and how the principal sources of Kenyan law operate together.

Learning Objectives

- Define law, jurisdiction and enforcement using accurate legal language.
- Explain the nature and principal purposes of law in business and society.
- Classify a legal problem correctly, including administrative, revenue, criminal, civil, common, statutory, constitutional, public and private law.
- Explain the relationship between law and morality and recognise situations in which they overlap or diverge.
- Identify and explain the principal sources of Kenyan law: the Constitution, legislation, delegated legislation, common law and equity, African customary law, religious law, judicial precedent and general rules of international law.
- Apply the doctrine of precedent using the terms *stare decisis*, *ratio decidendi* and *obiter dictum*.
- Answer practice MCQs by identifying the legal issue, recalling the governing rule and rejecting plausible but legally inaccurate distractors.

Key Case Law

These authorities illustrate the legal principles in this chapter. Focus on the principle for which each case is cited rather than memorising lengthy facts.

Case	Principle to remember
Owners of the Motor Vessel "Lillian S" v Caltex Oil (Kenya) Ltd [1989] KLR 1	Jurisdiction is fundamental. A court must establish that it has lawful authority before proceeding with a matter.
Dodhia v National & Grindlays Bank Ltd [1970] EA 195	The doctrine of precedent requires lower courts to follow binding decisions of superior courts within the judicial hierarchy.
Young v Bristol Aeroplane Co Ltd [1944] KB 718	A leading common-law authority on when an appellate court follows its own previous decisions and the limited exceptions to that practice.

Case-law note: authorities are used here as concise teaching anchors. In an examination, apply the legal rule to the facts given in the question.

Chapter Roadmap

Learning block	Theme	Class focus
Block 1	The idea of law	Meaning, jurisdiction, enforcement, nature and purposes.
Block 2	Classifying law	Public/private; civil/criminal; subject-based classifications.
Block 3	Law and morality	Overlap, differences and business examples.
Block 4	Sources of Kenyan law	Constitution, legislation, delegated legislation, common law, equity, customary and religious law.
Block 5	Judicial precedent and international law	<i>Stare decisis</i> , <i>ratio</i> , <i>obiter</i> , binding/persuasive authority and international law.
Block 6	Application and exam practice	Scenario analysis, MCQs, short structured questions and recap.

Understanding the Idea of Law

Meaning of Law

Law may be understood as a body of rules recognised by a state and capable of being enforced through public institutions. That definition contains three ideas that are repeatedly useful in examinations: there must be a rule or standard of conduct; the rule must derive authority from a recognised legal system; and the legal system provides mechanisms through which compliance may be compelled or breach may attract legal consequences.

A learner should therefore avoid defining law merely as “what is right” or “what people ought to do.” Those statements may describe morality or social expectations. A legal rule is distinguished by institutional recognition and enforceability. A rule may be morally desirable and legally enforceable at the same time, but morality alone does not automatically turn a social expectation into law.

Jurisdiction of the State

Jurisdiction refers to lawful authority to make, apply, interpret or enforce law over persons, territory, subject matter or disputes. In an introductory law context, the idea is important because a rule is not applied in the abstract; a recognised organ must have authority

over the person or issue before it. Courts, tribunals, administrative agencies and other public institutions exercise different forms of jurisdiction granted by the Constitution or legislation.

BUSINESS LENS

If a county requires a trader to obtain a permit and pay a prescribed fee, the legal question is not only whether the requirement exists. It also involves whether the county body has legal authority to impose and enforce the requirement.

Enforcement

Enforcement is the process by which legal rules are made effective. It may involve administrative action, civil remedies, criminal sanctions, regulatory penalties or court orders. The important exam distinction is between legal enforcement and voluntary moral persuasion. A legal obligation is supported by recognised state authority even though voluntary compliance is often the first expectation.

- Civil enforcement may result in remedies such as damages, injunctions or orders compelling performance.
- Criminal enforcement may result in penalties imposed after prosecution and conviction.
- Regulatory enforcement may include cancellation of licences, administrative penalties or professional sanctions where the relevant law provides for them.
- Constitutional enforcement may involve judicial remedies where public power is exercised unlawfully or rights are violated.

Nature and Characteristics of Law

Law is normative because it prescribes standards of conduct. It is institutional because it is created, recognised, interpreted or enforced through established institutions. It is general in the sense that legal rules are normally framed to apply to classes of persons or situations rather than being private instructions to a single individual. It is also dynamic: legislation may be amended, judicial interpretation may develop, and new commercial practices may require new legal responses.

Characteristic	Meaning	Illustration
Normative	Tells persons what they must do, may do or must not do.	A business must comply with a lawful licensing requirement.
Authoritative	Derives force from a recognised legal order.	A regulation is valid because an enabling statute authorises it.
Enforceable	Breach may attract legal consequences.	A party may seek a remedy for breach of a legal duty.
General	Usually applies to categories of persons or conduct.	Consumer rules apply to transactions meeting stated conditions.
Institutional	Operates through courts, legislatures, regulators and other bodies.	A court interprets a disputed statutory provision.
Dynamic	Can respond to social, economic and technological change.	Rules may be updated to address online business practices.

Purposes and Functions of Law

The purposes of law are better understood as practical functions than as a memorised list. In a business setting, law makes economic activity more predictable because it defines rights, duties, procedures and remedies. It also structures public institutions and provides methods for resolving disputes without relying on private force.

- Maintaining order and social stability by setting standards of acceptable conduct.
- Protecting persons, property, rights and legitimate interests from wrongful interference.
- Providing mechanisms for resolving disputes through courts, tribunals and recognised alternative processes.
- Giving legal effect to private arrangements, including contracts and business organisations, where legal requirements are satisfied.
- Regulating the exercise of public power and requiring public bodies to act within the law.
- Facilitating commerce by creating predictable rules for ownership, exchange, liability, credit and remedies.
- Promoting justice, fairness and accountability through legal standards and procedures.
- Providing remedies or sanctions when legal rights are violated or legal duties are breached.
- Supporting public policy goals, including revenue collection, public safety and market regulation.

EXAM SIGNAL

When a question asks for “purposes”, “functions” or “importance” of law, do not repeat the same idea using different words. Give distinct functions and, where marks allow, attach a short explanation to each.

Quick Check 1

- Why is enforcement a stronger clue to “law” than personal approval?
- Give three business activities that depend on predictable legal rules.
- Explain the difference between authority to make a rule and authority to enforce it.

Classification of Law

Classification helps a learner place a legal problem into the correct family of rules. One dispute can touch more than one classification at the same time. For example, a tax dispute is revenue law and also falls within public law because it concerns the

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