

Law and government

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What is the Law

- We shall define law as ‘a set of rules that can be enforced in a court’.
- These rules are different in different countries
- The best known examples of such differences are probably in the rules governing such things as divorce or the sale of alcohol.

- From the point of view of the information systems professional , however, differences in the rules governing ***data protection, the rights of access to information, and the misuse of computers are much more significant.***
- As well as having different laws, different countries have different **legal systems of courts**, different rules for court procedure, different procedures for appealing against a court decision, and so on.
- The word jurisdiction is used to mean the area covered by a single legal system and set of laws

Criminal Law and Civil Law

- The popular image of the law sees it as the set of mechanisms that tries to punish wrongdoers, by fines or imprisonment.
- This aspect of the law is known as the *criminal law*
- It can be considered to represent society's view of the minimum standard of acceptable behavior.

- It defines what constitutes a crime, lays down the mechanisms for deciding whether a person accused of crime is guilty or innocent, and specifies the range of punishments applicable if guilty, and specifies the range of punishments applicable to different categories of crime.

Where does the Law come from

- The two main sources of law in England and Wales are the *common law* and *statutes law*
- The common law is essentially traditional law that is not written down, but which depends on the judgment of judges over the centuries.
- When deciding the rights and wrongs of a case, a court will look at the way in which similar cases have been decided in the past; such cases are known as precedents.
- The common law traditions is shared by many other countries.

- Almost all the countries of the Commonwealth share the tradition; so most importantly, does the USA.
- This means that a judgment made in the USA can be used as a precedent in, for example, a court in Singapore.
- The tradition of common law is not found in the countries of continental Europe, such as France and Germany.
- Their law is based entirely on written codes one for the criminal law and one for the civil law.

The legislative Process in the UK

- Like many other democratic countries, the UK has what it is known as a two chamber or bicameral legislature.
- This means that the law-making body (the legislature) is made up of two chambers or group of people.
- The British legislature is known as Parliament.

- One of the chambers is called the House of Commons; its members are elected and every one over the age of 18 has a vote.
- The country is currently divided into 659 constituencies, each of which elects one Member of Parliament (MP) , who is the person who gets the most votes in the election.
- This is known as the ‘first past the post’ system.