

A Jurisprudential Analysis on the obedience to law : Sri Lankan Perspective

Dumindu Madhushan¹

Department of Private and Comparative Law, Faculty of Law, University of Colombo
dumindumadhushan24@gmail.com

ABSTRACT

The lack of consensus on people's obedience to law has given birth to various ideologies in the legal philosophy, since the law is recognized as a social science. It is a difficult case to disclose an exact answer in social sciences when it is compared with natural sciences. Therefore, variation of answers and different ideologies based on various perspectives always make an attractive background on each and every problems occur in social sciences particularly law for curious explorers. Jurisprudence occupies a set of answers for the question of why people obey law based on opinions of various legal schools which have different approaches to the research problem. In this research, author focuses specifically, on why Sri Lankans obey laws. The purpose of this research is to explore answers from the legal philosophy to describe why Sri Lankans obey laws, and to develop a set of recommendations for the law-making authorities to consider when they are enacting law since Sri Lanka is a multi-cultural, multi religious and ethnic state that people have vast different concerns about the law. In order to find a more efficacious answer, author examines the existing theoretical foundation of legal philosophy with special reference to the Sri Lankan context.

This research uses a mixed method, where qualitative and quantitative research methods based on several text books, journal articles, case law and an analysis of a particular questioner prepared by the researcher to the people who contributed to the quantitative research part. In the qualitative part, researcher has applied and analyzed the hypothesis with reference to the prominent legal schools such as Natural Law School, Analytical Positivism, American Realism, and Sociological school including an emphasis on the Sri Lankan perspective. In the quantitative part, researcher based on a questionnaire which contains the ideology of Sri Lankans in obeying laws. The quantitative research covers nine provinces of Sri Lanka and for convenience purpose, research has limited to one district from a province.

Following outcomes are expected from the quantitative research: General public ideology of Law, necessity of law for Sri Lankans – expected outcome of including this question was to identify the importance of law for Sri Lankans, on which basis is the focal point of compliance to laws - to identify the approaches attached to a particular law school/ideology, does law adequately help to fulfill Sri Lankan's needs – examine the satisfaction of law and effectiveness of law as a social tool to achieve needs of the people, an ability to get obedience of people to law, general view on existing legal framework/system of the country and effectiveness of the current legal system to serve justice from the view of the general public.

Sri Lanka as a multi religious country morality plays a huge role in the society. In the meantime fear of sanction when violate the law does not care about the morality whether it is belong to any particular society or not. In the same time law should fulfill the desires of the people serving as a tool of social engineering. However, it is of utmost importance to identify the reason for compliance with the law for taking obedience to law for an effective legal functioning.

Key words – Obedience, Morality, Fear of sanction, Faith of law, Public ideology

¹ Lecturer (Temporary), Attorney-at-Law, Department of Private and Comparative Law, Faculty of Law, University of Colombo