**BIT 2209 IT Law and Ethics**

**Chapter 1: An Overview of Law, Ethics and Morality in IT**

**Discussion Questions**

**GROUP 1**

1. State the differences and the similarities between a constitution and act.

A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed. These rules together make up, i.e. constitute, what the entity is. When these principles are written down into a single or set of legal documents, those documents may be said to comprise a written constitution.

Act: A bill which has passed through the various legislative steps required for it and which has become law. Act is a law according to broad guidelines given by the constitution.

Similarities

Both are conventional laws and are setup by the council

Differences

Act is specific to a given element vs constitution

An act derives its authority from the constitution

1. Write short notes on the following
   1. Administrative law

Administrative law is the body of law that governs the activities of administrative agencies of government.

Administrative law is a body of law which governs federal and state administrative agencies, as well as the procedures these agencies must follow when making determinations, rulings, and rules. Usually, an administrative agency's purpose is to protect the public at large and ensure the public's safety. For example consider the case of a parliament/ congress passing a law, Congress often needs help determining all of the details of how the law will be enforced and implemented. Administrative agencies and government departments fill in those gaps for Congress and pass additional rules and regulations to achieve Congress's goals.

For example, Congress has passed laws that allow disabled individuals to receive government assistance. The Social Security Administration (SSA) is the administrative agency created to implement Congress's social security and disability laws. The SSA receives applications when people apply for disability benefits, determines who is eligible for the benefits, and passes rules and regulations to ensure that only the people who deserve these benefits receive them.

* 1. Substantive law

Substantive law is the set of laws that governs how members of a society are to behave. It is contrasted with procedural law, which is the set of procedures for making, administering, and enforcing substantive law. Substantive law defines rights and responsibilities in civil law, and crimes and punishments in criminal law.

Substantive law is used to determine whether a crime or tort has been committed, define what charges may apply and decide whether the evidence supports the charges. Let's say a person is caught drunk driving. Substantive law says that it is a crime punishable by a term in prison.

* 1. Procedural law

Procedural law differs from substantive law in that it guides the state on how best to enforce substantive laws. Procedural law is made up of all of the rules that a court will consider when determining how best to handle a civil or criminal court proceeding. Procedural law provides a kind of step by step plan on how the facts of each case are to be handled, and how the case should proceed in order to reach a desired goal, whether that goal is trial, settlement, or otherwise. It pertains to the law that controls the way a court case proceeds. In other words, procedural law dictates what will happen in the court.

The courts, do not have carte blanc to do whatever they please when cases are brought before them. In order to help ensure that the laws are applied fairly, there are certain rules and procedures that must be enforced when a court hears any case, whether civil or criminal. This set of laws, rules, and procedures is known as “procedural law.”

1. Use examples to distinguish between Declarative and determinative laws as applied to conventional law

Conventional law is a system created by and for human beings usually in public

Deliberations like a council of elders or representatives in national legislatures.

It takes on two forms: the declarative law and determinative law.

1. Define what a penal code is and the three functions it serves

The penal code is a system of set rules prescribing punishment for unlawful acts. In a way, the penal code is that enforcement mechanism. The punishment system consists of three functions

Retributive: by paying back the criminal for the crime committed, re-establishing

the equal balance of justice and re-asserting the authority.

Corrective—by trying to improve the offender; in other words, rehabilitating the

offender back into society.

Deterrent—by trying to prevent similar actions in the future by the offender, and

indeed the offender community, that is, forewarning the offender community by

the state, which is the law maker.

1. Define a moral standard and suggest an three examples

Amoral standard is a moral norm, a standard to which we compare human actions to determine their goodness or badness. They are defined by an individual or a given society.

Buganda marriage

Moslems

Respect for elders

**GROUP 2**

1. Write short notes about the following sources of law applicable to Uganda
   1. The 1995 Constitutional of the republic of Uganda
   2. Acts of parliament/ legislation
   3. Case law
   4. Customary law
2. Provide structure of the Courts and the courts systems in Uganda.
3. Using a local (Uganda) example describe the Bathsheba Syndrome: The Ethical failure of successful leaders

**GROUP 3**

1. What is Corporate Social Responsibility (CSR)?
2. Discuss the five main reasons why organizations should foster Corporate Social Responsibility and good Business Ethics
3. Explain six (6) actions corporations can take to improve business ethics.

**GROUP 4**

1. Creating an Ethical Work Environment
   1. Give some examples of how managerial behavior can encourage unethical employee behavior
   2. What aspects should the Manager consider when establishing an ethical work environment
2. Discuss and point out where and how ethical considerations need to be brought into an organisation’s or individual’s process.

**GROUP 5**

1. Discuss four of the most common approaches that can aid in ethical decision making.
2. Despite the several IT breakthroughs in recent years, the importance of ethics and human values has been undervalued. Discuss six (6) examples that show the unethical use of information technology.