

# CHUKA UNIVERSITY

## MAIN CAMPUS

### UNIVERSITY EXAMINATIONS

2022/2023 ACADEMIC YEAR

### EXAMINATION FOR THE BACHELOR OF LAWS

#### BLAW 124- CRIMINOLOGY AND PENOLOGY

**Programme: Regular (Paper One)**

**TIME 2 HRS**

**DAY:**

**DATE:**

#### **INSTRUCTIONS**

**Answer question one and any other two**

#### **QUESTION ONE**

(a) In the beautiful plains of Turkana next to my in-laws, poverty is rife. The main activity used to be fishing. However, of late fish has become rare. The nearby land which was known for agricultural cultivation appears not to be fertile. Crops no longer give good harvest. Some years ago tourism promised to be an alternative means of livelihood. However, hippopotamus and crocodiles which was the main attractions for tourists are dying in large number. Thus, they are no longer attracting tourist in the region. Further the main road that leads to the area has increasingly been neglected. It is in pathetic condition and poses a challenge to use it. Of late there have also been cases of motorists being attacked by bandits and their belongings stolen. Others have reported to having been harassed and tortured. The local elders have advised the community to resort to cattle rustling to meet their basic needs, young men are thus being forcefully recruited to the Moran that has been obligated to feed the community at all means. The whole situation appears to be out of control and existing laws appear to be inadequate. Recently the Kenya government was approached by an American company to build a large oil refinery next to Turkana airport. The factory was built without assessment or involvement of members of the public. The factory has been built and is in production. However, there are a number of challenges facing the project. The major problem is that large quantities of oil waste and spillage is happening in the area and as well a huge black thick smoke is evident. The nearby river that used to provide clean water to the residents is no longer safe. Further, infants have started to have throat irritations and chest complications. Further, majority of employees in this factory are from America. The residents are very desperate about the whole process. The residents have been advised by the local leaders to secretly storm the factory and put it on fire.

You are required to critically discuss the criminal behaviour emanating from the above case noting to refer to relevant theories of crime. **(20 marks)**

(b) “Confinement of offenders in a facility does not serve any role in preventing crimes in the society.” As per Karen Beth LLB 2 student. Discuss the veracity of this statement **(10 Marks)**

#### **QUESTION TWO**

(a) Examine how strain theory explains criminal behaviour in a society. Support such arguments with applicable examples and state whether the same applies to the Kenyan case **(10 Marks)**

(b) Elaborate various non-custodial ways of dealing with wrongdoing in Kenya today, pointing out their challenges.

**(10 marks)**

### **QUESTION THREE**

(a) The social learning theory by Albert Bandura offers useful insights on criminal behaviour. Discuss the key arguments of this theory and show its applicability in explaining criminal behaviour. **(10 marks)**

(b) 'Current rehabilitation programs in Kenya have little rehabilitative value on most offenders. Critique this notion, giving relevant justification. **(10 marks)**

### **QUESTION FOUR**

(a) Examine the characteristics of restorative justice systems. **(8 marks)**

(b) You have been appointed in a task force that seeks to develop various ways of addressing crime in the society. Discuss six strategies that you can recommend to address criminality in the society

**(12 marks)**

### **QUESTION FIVE**

(a) As the head of criminal justice reform committee, you have been tasked to prepare some brief notes on addressing juvenile delinquency for presentation to the appointive authority. Explain to them six considerations that need to be undertaken to address the same. **(12 marks)**

(b) Examine the four main theories that explain justification for punishing an offender **(8 marks)**