

Importance of Legisprudence for the Law Makers of Sri Lanka: A Conceptual Analysis

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ABSTRACT

While the theories of law are dealt within the realm of Jurisprudence, Legisprudence denotes to a theory of legislation. Legislation, it is said, is a matter of politics, and politics is not rational. Politics is a power game, which results in compromises framed into a legislative or statutory structure. This power game seems to have its own logic and, most of the time, the results outweigh any other form of logic. Often it has been observed in modern times that though legislations are abundant in their quantities but lack on the quality. Legisprudence is a science for bringing quality into legislation through a theoretical process. This is a vital fact for a country like Sri Lanka, where the current Constitution only allows for pre-judicial scrutiny of bills that are introduced in to the parliament. This research is formulated to achieve three objectives. Firstly; to describe and explain the concept of Legisprudence. Secondly, to elaborate on the importance of having such a theoretical process for law making and thirdly, to evaluate the importance of having such a conceptualization in the Sri Lankan law making process. This research is primarily a qualitative research, using secondary sources. It is mainly carried out by the reference of texts of authority, existing research studies, electronic databases etc. In both introducing and conceptualizing legisprudence from a Sri Lankan perspective, it is expected to bring about a change in the ethos of the law makers in the country where political aspirations are being put in paramount against all other considerations. It is believed that the process of representative democracy entails a notion of representative law making and therefore, in order to keep alive, the precepts of representative democracy that, the law-making process be reflective of the wishes of the people. Legisprudence provides for a theoretical background in which such a goal could be attained. Legisprudence has as its object legislation and regulation, making use of the theoretical tools and insights of legal theory to promote better legislations.

Keywords: Law Making, Legislation, Legisprudence, Legal Theory

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