Bahir Dar University School of Law Academic Year: 2010 E.C. (2017/2018)

Course Title: Family Law Semester: II Assessment Type: Final Exam

Instructions

Write your ID on each page of the answer sheet.
This is a closed book exam so you are not allowed to use any reference material except codes and other legislations.
Substantiate your answer with relevant legal provisions.
This exam worth 40 points.
Time allowed: 2:30 hours.

Part I Multiple Choice (3 points each)

1. Which of the following statement is correct?
   A. The existence of children of an adopter may affect creation of adoption agreement.
   B. Adoptive filiation remains valid even if the adoption agreement is revoked.
   C. Adoption agreement shall not take place unless a child to be adopted is under a guardianship.
   D. All of the above
   E. None of the above

2. Which of the following condition may not be taken into account during adoption of a child under the custody of private or government orphanage?
   A. Consent of the parents of the orphan, if they are alive and known
   B. Consent and interest of the child
   C. Consent and interest of close relatives of the adopter
   D. All of the above
   E. None of the above

3. According to the Revised Family Code, an agreement of assignment of paternity may take place where
   A. There is conflict of paternity between a presumptive father and a man who declares that he the father of the child.
   B. A man who declares that he is the father of the child produces concrete evidence that shows he is the father of the child
   C. The child is born 210 days after commencement of irregular union or conclusion of marriage
   D. All of the above
   E. None of the above

4. The obligation to supply maintenance allowance exists between
   A. Father-in- law and son- in- law
   B. Stepfather and step child
   C. Grandparents and grandchildren
   D. All of the above

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.. None of the above

5. Which of the following requirement is not necessary for ascertainment of paternal filiation by presumption of law?

A. The mother of the child accepts the paternal filiation of the presumptive father
B. The presumptive father shows that he had sexual intercourse with the mother of the child during the period between the 300th and 180th day before the birth of the child.
C. The presumptive father has not instituted an action to disown within the period of time prescribed by law.
D. All of the above
E. None of the above

Part II Hypothetical case (10 points)

Tewabech Sisay was raped by a Teshome Assefa in 2001 E.C in Addis Ababa at the time of conception of the child. Consequently, Tewabech gave birth to a baby girl, Selam. For that reason, the mother of the child asked Teshome to declare acknowledgement of paternity of the child, however, Teshome refused to do so.

Subsequently, Tewabech has brought an action for judicial declaration of paternity against Teshome, then following the necessary procedures, the court held that Tehsome is the father of Selam. However, Teshome did not appeal against the decision of the court. Conversely, Tewabech and Teshome concluded marriage in 2005 E.C. Yet, Teshome has gradually became suspicious whether he is the real father of Selam. In the same view, he has undertaken DNA test and the examination revealed that Selam is not his daughter. As a result, he has instituted an action to disown. Subsequently, the court decided in favor of Teshome. W/ro Tewabech was frustrated by the decision of the court and she is in need of legal advice. What would you advise her? (10 points).

Part III Essay Questions (15 points).

1. Discuss why an action to disown paternity is vested in persons to whom the law attributes paternity of a child (8 points).
2. Discuss the basic purpose, divergence and convergence of Art. 128(1) and Art. 168 of the Revised Family Code (7 points).

21+

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BAHIR DAR UNIVERSITY

School of law

Jurisprudence Mid Exam (25%)
Target group: - first year regular law students
Academic year 2010 E.C

Exam date: April 18/2010 EC

ID number .....

Exam Rules, Instructions and Code of conduct

- ✓ Please write your ID number in the space provided and in each page.
- ✓ This is a **closed book** exam. Therefore you should remove books, exercise books and any scrap of paper (Atirera) from your desk.
- ✓ Write your answer in the space provided. i.e in the ***"Black box"***
- ✓ Do not leave any sheet of your answers in such a position that another student can read them.
- ✓ Do not communicate with other students. If there are queries, students are to raise their hands and clarify with the Invigilator.
- ✓ Time allowed: 45 minutes.

Questions

Part One: - Choose the best answer from the given alternatives. (1.5 point each) (Total 15)

1. Which one of the following sentence is not true about St. Thomas Aquinas?

A. According to him divine law is a divine plan and only known to God.
B. He asserts, all men naturally possess an internalized divine spark of reason, which serves as the guide to an autonomous and responsible decision making process.
C. According to him a human law is valid only insofar as its content conforms to the content of the natural law.
D. B and C
E. None of the above

2. Among the following statement one is considered as the principal difference between the positions adopted by Hobbes and Locke?

A. They adopt different attitudes towards the role of the courts in maintaining order.
B. They differ in respect of their account of life before the social contract.
C. They have opposing views about the very social contract.
D. A and B
E. All of the above.

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3. Which one of the statement is true about Plato?

A. According to him natural phenomena is in a state of perpetual change.
B. He declared that we have only one type of law i.e the natural law.
C. For him Natural law is not the same everywhere because of the fact that the custom and behavior of people of different nations and tribes is different.
D. As opposed to Aristotle, Plato is materialist.
E. None of the above

4. What is Positivism?

A. The approach to the study of law according to which the validity of any law can be traced to an objectively verifiable source.
B. The approach to the study of law according to which only laws democratically enacted are valid.
C. The approach to the study of law according to which only laws posited by their rightful creators are valid.
D. A philosophical approach according to which all individuals should benefit equally from law's usefulness.
E. A and C

5. The book Leviathan was written by_____.

A. St. Thomas Aquinas
B. St. Augustine Hippo
C. Aristotle
D. John lock
E. None of the above

6. Which of the following is true about Epistemology?

A. In Epistemology philosophers wrestle with such questions as: Is there a God? What is truth? And related questions.
B. Traditional branches of Epistemology include cosmology and ontology.
C. Epistemology is concerned with the nature and scope of knowledge.
D. B and C
E. All of the above

7. Which of the following is generally true about Natural Law?

A. Natural law theory has been remarkably influential in the evolution of the human thought on the conception of justice for more than 2,500 years since its inception.
B. Natural Law upholds that beyond, and superior to the law made by man are certain higher principles.
C. Natural law theory generally advocates some laws are basic and fundamental to human nature.
D. A and B
E. All of the above

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8. Which of the following is not true about stoic philosophy?

A. The Stoics believe in the oneness of this world.
B. The basis of knowledge is material perception of the outside world.
C. The Stoics declared that God is absolute reason.
D. The essential nature of humans is reason.
E. None of the above

9. Who said this statement? i.e "law is the highest product of the human mind which is in tune with the elemental force of nature."

A. St. Augustine Hippo
B. Aristotle
C. Seneca
D. Cicero
E. None of the above

10. Among the following sentences one is not correct about Socrates' speech?

A. It is just to obey the command of god rather than that of a state.
B. When the laws unjustly treat you, you can respond to them in a similar fashion.
C. Obey a command as far as it is legal and just.
D. It is unjust to return harm for harm.
E. None of the above

Part Two: - Say True if the statement is correct and False if the statement is incorrect. NB. You have to give your very brief justification on the space provided. (1% each) (Total 5)

1. According to John Austin the subject-matter of Jurisprudence is both metaphysical and positive law.

_____

_____

2. Fuller proposes that the business of law to prescribe for excellence.

_____

_____

3. The theory of Utility was propounded by David Hume.

_____

_____

4. Augustine Hippo portrayed the human condition as torn between the attraction of good and evil.

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5. John Finnis procedural natural law theory does not presuppose a divine being.

Part Three: - Fill in the blank spaces (5%)

1. _____go beyond theory and step into real world ethical practice, such as questions of whether or not abortion is correct.

2. While Stoicism teach that men should love one another, since this was in accord (agreement) with nature and thus was man's duty. Christianity thought that 'Love one another', and if you do, _____.

3. The idea behind natural law is Man is part of nature. Within nature, man has his own nature. His nature inclines him towards certain ends. These include to_____, to_____, to_____.

4. Socrates was prosecuted because he was said to be _____ _____.

5. According to Stoics _____ is right reason in agreement with nature.

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7. Among the following one is true about Roscoe Pound?
   A. His Concern was to examine law in action as opposed to the topic of law in books.
   B. For him law is more than a set of abstract norms or a legal order.
   C. For pound law is in the first place a means for ordering of social interests.
   D. A and B
   E. All of the above

8. Which of the following is true about legal realism in general and American realism in particular?

   A. The main concern of the realist movement was the desire to discover how judicial decisions were reached in reality.
   B. Realism attempted to be both practical and pragmatic, rejecting theoretical and analytical approaches to jurisprudential questions.
   C. Realism believed on the centrality of the role of the judge.
   D. A and C
   E. All of the above

Part Two: - Say True if the statement is correct and False if the statement is incorrect. NB. You have to give your very brief justification on the space provided. (1 % each) (Total 8)

1. According to Hart secondary rules define the rights and duties of citizens and that the bulk of law including criminal and civil law…or what we call substantive law falls under this category.

   _____

2. According to kelson moral norms are always created by acts of will.

   _____

3. According to Roscoe Pound law is the manifestation of the spirit of the people in history.

   _____

4. Ehrlich's sociological conception of law located the law in the present-day institutions of its society.

   _____

5. Law for Karl Llewellyn is a means for the achievement of social ends.

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6. Dworkin claimed that the law consists of rules only is a serious mistake, since in addition to rules; law is partly determined by legal principles.

7. In the philosophical thought of Oliver W. Holmes the law is nothing but a tool for predicting what judgments a judge and jury will make.

8. Judge Jerome Frank characterized the whole realist movement as "rule skepticism".

Part three: Give Answer for the following questions in the space provided. (Total 20%)

1. Hart argues, In order for it to survive as a community, there need to be certain fundamental rules. He calls these the 'minimum content of natural law'. They arise out of our human condition which manifests certain essential features? Please discuss these essential features. 5%

2. It is mostly stated that the most complete argument for the theory of justice is possibly that provided by Rawls. Though by the 20th century, most philosophers had dismissed the social contract as a quaint (old fashion) myth (legend). Rawls, however, revived the social contract concept of people agreeing what constitutes a just society. Rawls devised

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a hypothetical version of the social contract. He called it the "Original Position". He notes that: - "the persons in this mental exercise had to choose their justice principles under a *veil of ignorance*." What does Rawls want to tell us and why he said this? 5%

3. Discuss exhaustively what 'living law' mean according to Eugen Ehrlich? 4%

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4. Lord Patrick Devlin argued that the criminal law is based on moral grounds and the function of the law is enforcement of moral principles and nothing else. Please discuss his Justifications for Legal Enforcement of Morality? 6%

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BAHIR DAR UNIVERSITY

School of law

Date Tuesday May 28 2010ec

Section and ID number .....

Quiz for 1st year regular law jurisprudence students.

- ✓ Please write your ID number in the space provided.
- ✓ This is a **closed book** quiz. Therefore you should remove books, exercise books and any scrap of paper (Atirera) from your desk.
- ✓ Time allowed: 35 minutes.
- ✓ Write your answer in the space provided.

Questions

Part One: - Say True if the statement is correct and False if the statement is incorrect. NB. You have to give your very brief justification on the space provided. (1 % each) 5%

1. Philosophers with an optimistic view of human nature believed that social harmony and progress are not compatible with reserving a large area for private life over which neither the state nor any other authority must be allowed to trespass.

   _____

   _____

2. Those who defend Negative freedom believe that just because no one is preventing you from doing something, it does not follow that you are genuinely free.

   _____

   _____

3. Liberty essentially consists of a tripartite relation between two (or several) objects or persons and one (or several) qualities.

   _____

   _____

4. Equality of Welfare is among the four well-known principles of equality.

   _____

   _____

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5. Formal equality further specifies proportional equality.

Part two: Give Answer for the following questions in the space provided.

1. Discuss briefly the similarities and differences of the two different concepts of liberty based on 'ideological' differences? (6%)

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ID_____

Bahir Dar University School of Law

Course Title: Family Law

Exam Type: Mid-term Exam

Semester: I

Academic Year: 2010 E.C /2017/2018

Instructions

- Please write your ID on the line provided.
- This is a closed book exam so you are not allowed to use any reference material except codes and other legislations.
- Be direct and concise.
- This exam worth 25 points.
- Answer all questions.
- Time allowed: 2:00 hours

Part I Hypothetical Case (10 points)

1. W/ro Raheal Gedecho and Ato Birrtau Tolosa have concluded marriage in Addis Ababa by a custom of the community to which the husband belongs in 2001 E.C. The spouses have not concluded a contract of marriage so that to regulate their pecuniary and personal relations. The husband has acquired a lot of personal property before the conclusion of marriage including buses, trucks and automobiles. However, after the celebration of marriage, he has exchanged all of his personal properties. Yet, Ato Birratu has not requested the concerned court to decide that such properties shall be owned personally. The reason is because according to the custom of the community by which the marriage was concluded, exchange of

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personal property does not bring any change on the status of personal property of a spouse. Moreover, the wife did not claim for the community of the property after transaction.

Gradually, the relationship of the spouses was spoiled and finally their marriage was ended in divorce. Consequently, the wife claimed for division of such property arguing that the court has not decided to be personal property of the husband as prescribed under Art. 58 (2) of the Revised Family Code.

Ato Birratu is in need of your legal advice so what would you advise him?

Part II Essay Question (15points)

1. According to the Revised Family Code, a marriage concluded in violation of any of the essential conditions of marriage would be valid until it is attacked by persons who are legally authorized to apply for dissolution of a defective marriage. Discuss the possible justifications why the lawmaker has adopted voidable marriage instead of void marriage under such circumstance.(7 points).
2. Article 319 (1)(b) of the Revised Family Code has repealed provisions of the Civil Code of 1960 on Family and Successions (Book Two, Articles 550-825). Accordingly, Article 555, which reads, "A bond of affinity subsists in the direct and collateral line notwithstanding that the marriage by which it was created is dissolved" is repealed. Thus, how do you reconcile Article 319(1)(b), Article 9 and Article 11 of the Revised Family Code. (8 points).

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emester: II

Exam Type: Quiz-4

Academic Year: 2010 E.C /2017/2018

nstructions

- Please write your ID on the line provided.
- This is a closed book exam so you are not allowed to use any reference material.
- Your answer must be concise and precise.
- Be direct and concise.
- This exam worth 11 points.
- Time allowed: 45 minutes

Part I: Multiple choice

Chose the best answer for the following questions

1. Which of the following statement is correct?
   A. Maternal filiation is a precondition for instituting an action to disown the presumptive paterna filiation.
   B. Any man who is claimed to be a father of a certain child and who can produce a concrete evidence that shows he could not be the father of such child can disown his paternal filiation so long as he keeps the period of limitation prescribed by law regardless of the means of ascertainment of paternity.
   C. Contestation of maternal filiation may not be undertaken after the paternal filiation of a chil has been disowned and prior to establishing another paternal filiation of the child.
   D. All of the above
   E. None of the above
2. According to the Revised Family Code, the creditor may not be entitled to claim the supply of maintenance allowance from his debtor where.
   A. The creditor has committed adultery with the spouse of the debtor
   B. The debtor has inflicted a serious physical injury against the creditor.
   C. The creditor has raped the daughter of his debtor.
   D. A and C are correct answers
   E. None of the above

Part II Essay

1. State the conditions where a presumptive father cannot institute an action to disown his paterna filiation of a certain child. (4 points).
2. State the reliable means of contesting maternal filiation of a child by an interested person.(3 points)

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Bahir Dar University

School of Law

Legal research final exam for regular law year first students (40%)

Date: Saturday, June 16, 2010 E.C

Time allowed: 3:00 Hours

Course Managers: Abiy. D and Dawed .K

Instructions:

- The exam is a closed book exam. Hence, you can use only clean sheets of appropriate codes you deem necessary.
- Any act, attempt of cheating or facilitating the same would result in punishment.
- Keep your answer short, precise and to the point.
- Make your hand writing clear and legible so that it will be marked.
- Write your ID NO. only on the separate answer sheet

1. Given the fact that our family code clearly incorporated divorce, regardless of its form of celebration, be made before a court of law and despite this fact, you have appreciated that marriage in Ethiopia often dissolve in an out of court arrangements (Defacto divorce). Accordingly, you become interested to conduct a research on "Defacto divorce in Ethiopian law: practical and legal analysis". Given the above facts, identify the proper research methodology with respective justification (s), develop research objectives and questions.(15 pts)
2. Gemechu is a bright minded fifth year graduating class student at Wisdom University School of Law. As a graduating class student, he is expected to conduct a final year senior thesis. Accordingly, he started to venture on empirical research titled "*The Protection of Prisoners Human Rights: the case of Wisdom city central prison administration*". In his proposal he has justified that he will relay on qualitative research approach. After properly defending his proposal, he promptly commenced the rigorous task. Having

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decided the sample size of his participants to be 20 prisoners out of the entire 200 population based on the purposive data sampling, he goes on conducting a properly structured interview with them to collect relevant data. Additionally, he prepared a questioner to be administered for the officials of the prison center the nature of which is close ended. The proposal of this novice researcher shows that previous researchers have find out the fact that central prison administration of City of Wisdom is well known for its brutal, inhuman, and degrading treatment of the prisoners the very fact of which is admitted by the ruling regime. The results of his interview confirmed the findings of previous researchers and state of situations he incidentally come across. To his dismay, however, the result of the questioner appears to provide the other way round. The restless Gemechu analyzed the data and concluded that the violation of the prisoner's human right in his study area is common. The bright minded Gemechu decided to communicate the finding of the interview to the officials of the prison including whom about of his interviewees in order to clear the contradiction. In next morning he did the same and asked the officials to clear the contradiction. The officials, after having received the final result from Gemechu, ordered him to disregard the result of the interview and depend on their response to the questioner and firmly told him if he hesitates to do so he will end up in prison. Gemechu revered the order and prepared his research report accordingly. Based on your legal research knowledge, comment on the actions of the researcher. (10 pts)

3. Briefly discuss the notion, pros and cons of at least two alternatives of research. (7 pts)
4. Briefly discuss at least three qualitative data gathering tools and their respective Merits and demerits. (8 pts)

Best Wishes!!!!!!!!

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Logic Test for G1Law and GaDs students

Maximum value: 12% **Time allowed: 45 minutes**

Section 1: Multiple choices Items (1Pts each)

I. Choose the appropriate answer from the given alternatives and give your choice on answer sheet.

1. Identify the **TRUE** statement from the following?
   A. Premise or conclusion indicators can guarantee the existence of argument.
   B. In an argument, conclusion necessarily comes after premise (s).
   C. It is necessary that an argument should contain more than one premise.
   D. Truth and falsity are characters of individual statements, validity and invalidity are characters of arguments.
   E. All are possible answers

2. If a deductive argument contains a false conclusion while its premises are false, then the argument is_____?
   A. Necessarily valid
   B. Necessarily strong
   C. Necessarily invalid
   D. Necessarily unsound
   E. None of the above

Section 2: Critical thinking items (10Pts)

i. ***Determine the major term, minor term, middle term and major premise of the following categorical syllogistic argument (2Pts).***

All people with conservative values are supporters of the war. Some religious leaders are supporters of the war. So, some religious leaders are people with conservative values.

ii. Measure the following argument by determining the truth table. Follow the necessary steps and use the necessary measurement terms (2pts).

1. If firearms increase violence and crime, the crime rate should have increased throughout the country. The crime rate did not increase. Therefore, firearms do not increase violence and crime. **[For visual students]**

2. **Premise 2:** If students wouldn't have to depend on tips to afford tuition costs, it would not be necessary for them to rely on tips to afford a university education. **Conclusion:** Students would be able to afford a university education even if the practice of tipping were to be discontinued. **Premise 1:** If we raise the minimum wage, students would not have to depend on tips to afford tuition costs. **[For visually impaired students]**

First, rearrange these sets of premises and a conclusion in the form of an argument. Then, determine the ***antecedent of the conclusion?*** **(2Pts)**

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iii. **Identify and measure the following arguments [2Pts each]**

1. Most students who graduated from Bahir Dar University after 2003 took a reasoning skill course. Daniel was a student who graduated from Bahir Dar University after 2003. This confirms that Daniel took a course on critical thinking skills. [2Pts]
2. All snakes are harmful. This implies that all snakes are killers.
3. Large numbers of innocent people in some part of South Africa are affected by brutal killing of racial discrimination in the recent time. This proves that Africans are irrational and uncivilized people in this 21st century.

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BAHIR DAR UNIVERSITY- SCHOOL OF LAW

Law of person

FINAL EXAM

ID No. 1013281

Instructions

- *This is strictly a closed-book exam except the civil code and revised family law.*
- *Avoid verbosity and be to the point. Use the relevant law.*
- *Sharing code is strictly prohibited.*
- *Time Allotted: **1:35** Minutes.*

Hypothetical case

Ato Geramiwu has two children called Tinishu and Tilku age seventeen and nineteen respectively. Tilku is a judicially interdicted person. Tinshu loves his uncle Ato Degu than his father and the reason is Ato Degu is the one who treat him nicely than his father. Tinishu have a mental problem which is know by every resident of Bahir Dar city.

Each Tilku and Tinshu has a car inherited from their dead mother. One day Tinishu sold the car to a woman who came to Bahir Dar from wereta. The father of Tinshu wants to invalidate the contract by showing the judicial interdiction of his child.

At the same day Tilku feels absolutely healthy like a normal person and he understood that he owns a car which can be sold. Then he sold his car to a neighbor called Tamagnu who does not know the judicial interdiction of Tilku. But after a few day Tilku gain a new buyer who can pay two times more than Tamagnu so he decided to invalidate the contract.

1. Ato Geramiwu wants to invalidate the sale contract of Tinshu and many resident of Bahir Dar city promised him to testify. Is there any possibility to invalidate the contract or not. Advice him (10 pt)

~~YES~~ No tinshu is the not notorious insanity one person can say notrious person according to article 341. person can be bythe law notrious insane where by reason of his mental condition he is an inmate of hospital or institutions for insane person or of nursing home for the

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or According to article 342 In communes of more than two thousand inhabiting insanity of person Son Shall be deemed to be notrious . . . .
due to this Tinishu is not notrious person According to article 347(1) Jurdical act performed by Person may not be impugned on the ground of his insanity where the condition is not notrious therfore Tinush is not notrous insane the co

2. Ato Tamagnu has evidence which shows Tilku was absolutely healthy at the contract day and you are assigned as a trainee judge for Ato Tamagnu and Tilku suit to decide. Give decision on the case. (10 pt)

Conceptual questions

3. Reappearance of absentee may impugn the new marriage of his/ her spouse. Or, it may not affect the validity of the new marriage. Explain the sentence based on the civil code (10 pt)

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4. Discuss five common features of guardian and tutor. (10 pt)

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