**The Interface between Indigenous and Modern Law, Order and Judicial Systems among the Lugbara of Uganda: 1914-2010**

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# ABSTRACT

This study explored the interface between indigenous and modern law, order and judicial system among the Lugbara people of Uganda. It questioned the prevalence of social disorder, violence and crime, in spite of the use of modern state laws as a tool for social ordering. The study reviewed selected theories explaining social disorder, violence and crime, in order to understand their causes. It also explored the post-colonial theory by Comaroff and Comaroff (2006), attributing social disorder, violence and crime to colonialism. This study historicized social disorder, violence and crime, and using Carr (1990) historical causal-effect model, traced their origin among the Lugbara as a case study. It established that indigenous societies had law as tool for social identity, cohesion and ordering, serving the peoples’ interest which were greatly disrupted by colonialism. In contrast, modern law is considered to serve the interests of the state and is often used as a tool for domination, oppression and exploitation. Therefore, distinction in meaning, motive and practice in the two systems created a chasm of social disorder, violence and crime. The study also found that indigenous law was established on a strong African philosophy of a collective identity, contrary to the modern law, which upholds state interests above those of the nation. This study concluded that although colonialism disrupted the social system, institutions and values of society, contemporary social disorder, violence and crime could not be absolutely associated with it. This study attributes the social disorder, violence and crime to the dichotomy and invisible meaning and motive of modern law and order at the official and private level. The independent state’s pursuance of colonial law, whose motives were to serve the colonial master, produced a more divided society. Social disorder, violence and crime are symptoms of civil agitation against state and ruling class exploitation and dominance. Post-colonies need to revise their laws, ensuring that they serve society and are based on a strong national philosophy.

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