

Chapter 1 : List of national legal systems - Wikipedia

Previous works on Southern African law have been directed primarily to lawyers and students of law within Southern Africa; this is the first major text on the topic written for use in common law countries.

In principle marriage must be concluded between a man and a woman and it must be solemnised by a person who has been legally appointed or authorised to act as a marriage officer. In the case of minors under the age of 18, the consent of the Minister of Home Affairs is required, and over the age of 18 but under the age of 21, the consent of parents is required. Should the Minister and parents refuse consent, the High Court, as upper guardian, must be approached before a valid marriage can be entered into. Types of Marriage Since the commencement of the Matrimonial Property Act 88 on 1 November, there have been three types of marital dispensation available, namely: In Community of Property South Africa Common Law provides that a marriage without an antenuptial contract results in the parties being married in Community of Property. On marriage in Community of Property a joint estate is formed with the parties as joint administrators. Assets are equally shared and the parties are jointly and severally liable for all debts incurred by either party to the marriage. Each party has right of disposal over the assets of the joint estate. Although consent is required from the other party to alienate or encumber estate assets, written consent is only required in certain cases. In the final analysis there is financial equality at times, to the detriment of the other party, for example in the case of insolvency, but no juristic equality for example consent is theoretically required in order to trade with estate assets. Certain assets may be excluded from the joint estate, but this category is extremely limited. Out of Community of Property This form of marriage is where, by means of a notarial ante-nuptial contract, community of property and profit and loss is excluded. This model is most often chosen by parties who have substantial estates or incomes at the time of marriage. Out of Community of Property with Accrual This form of marriage also excludes, by means of antenuptial contract, community of property and profit and loss, but provides for a system of asset sharing. This marriage system is a popular choice for couples who have not established themselves financially at the time of marriage. Upon dissolution of the marriage, whether it be by death or divorce, the estate values are determined separately, and the larger estate values are determined separately, and then the larger estate must transfer half the net difference to the smaller estate. Common Law Marriage We are frequently asked by clients whether, after living together for a certain time period, they are married by common law or not. There is no assumption of marriage in South African law in consequence of cohabitation regardless of the duration of the relationship. A universal partnership is very much like a business and to prove the existence of such a partnership it must be shown that: Where there is no express agreement, a tacit agreement may be proved if it is found that it is more probable than not that such an agreement had been reached between the parties at the time of cohabitation. Some of the other consequences of the absence of common law marriage in South African context are: Because the existence of a universal partnership is somewhat difficult to prove, and it may not be a claim which you wish to have to make or defend, it is advisable to consider entering into a contract which spells out how property should be dealt with on termination of the relationship by death or otherwise. Such a contract would provide some certainty for cohabitees regarding the division of assets and settlements of liability on termination of the relationship. Venilla Govender Fax Number:

Chapter 2 : Roman-Dutch Law in its South African Historical Context - Oxford Scholarship

As a general rule, South Africa follows English law in both criminal and civil procedure, company law, constitutional law and the law of evidence; while Roman-Dutch common law is followed in the South African contract law, law of delict (tort), law of persons, law of things, family law, etc. With the commencement in of the interim.

Arbitration procedures and practice in South Africa: Use of arbitration and recent trends

1. How is commercial arbitration used and what are the recent trends? Use of commercial arbitration In line with international trends, commercial arbitration of disputes has become more popular over the last ten years. The Association of Arbitrators of South Africa has assisted in 8, cases to date, which is a significant number in the South African context. Recent trends South Africa has been working on a draft Bill to reform arbitration law in its jurisdiction. It is not known when this legislation is likely to be enacted see Questions 2 and Arbitration is often less costly than court litigation provided that the arbitration agreement sets out less onerous procedures than are applicable to court litigation see Questions 19 and Greater flexibility in choosing arbitration procedures than in litigation see Question The time period for the resolution of a dispute under arbitration is generally significantly shorter than through litigation, because of the generally shorter time period between commencement of the proceedings and the hearing, combined with typically specialised knowledge or skills on the part of the arbitrator. Arbitration is inherently of a more private nature, which is a strong factor in matters involving sensitive or confidential commercial or other information see Question In disputes involving an international component, arbitration is particularly attractive for the following reasons: In disputes of this nature, the advantages of specialised skills on the part of the arbitrator, confidentiality, and the quickness and convenience of the proceedings are typically of great importance see above. Arbitration provisions in multi-jurisdictional transactional documents avoid difficult disputes over jurisdiction which would arise if the matter were brought to court. The perceived neutrality of an arbitration forum in such multi-jurisdictional disputes, as opposed to a court in a local jurisdiction. However, there are also potential disadvantages to arbitration as compared to court litigation: If the parties have agreed that the High Court Rules apply to the arbitration proceedings, because of the professional rates payable to the arbitrators and the arbitration organisation neither of which is payable in a court dispute , the cost of the arbitration may be higher than that of litigation. As a result of the contractual consensual basis for arbitration, parties who are not party to the relevant arbitration agreement cannot be joined to arbitration proceedings without their own consent and that of all other parties to such an agreement see Question This can give rise to practical difficulty where an essential party in a dispute has not bound itself to the arbitration agreement whatever the form of the agreement. Legislative framework Applicable legislation

2. What legislation applies to arbitration? The principal legislation which applies to arbitrations in South Africa is the Arbitration Act 42 of , which applies to international and domestic arbitration proceedings conducted in the country. While the Arbitration Act does not repeal the common law, it does take precedence over the common law if there is a conflict. The South African common law applicable to arbitrations is based largely on English law that has been developed by the local courts. Consensual private arbitrations under the Arbitration Act have been found not to be in conflict with the Bill of Rights or the Constitution of the Republic of South Africa Although there have been delays in finalising the new legislation which is not yet in force , the courts have developed the common law in the interim by making regular reference in their judgments to international trends and judgments in arbitral law.

Mandatory legislative provisions

3. Are there any mandatory legislative provisions? What is their effect? Apart from the requirement to have a written arbitration agreement, the Arbitration Act 42 of contains few mandatory legislative provisions. As far as the agreement itself is concerned, any existing or future dispute referred to arbitration must relate to a matter specified in the agreement it does not matter if the arbitrator is named or otherwise specified in the agreement. The Arbitration Act provides certain powers to the arbitration tribunal, but preference is given to the provisions of the arbitration agreement Arbitration Act. The tribunal includes the arbitrator or arbitrators, including an umpire, if appointed section 1, Arbitration Act. An umpire is appointed to have the casting vote in the case of a disagreement in cases where there are two arbitrators. The

Arbitration Act does not repeal the common law. An arbitration agreement that is not in writing is enforceable, but does not benefit from the provisions of the Arbitration Act and must rely on common law rules. Giving written notice of the proceedings to the parties. Setting the time periods for making awards. Making the award in writing an award must be signed by all the members of the tribunal. Publishing the award in the presence of the parties or their representatives or having them summoned to appear. Exercising care, proceeding diligently and acting impartially. The Arbitration Act contains various enabling provisions, including procedural rules and directions for the arbitrator to follow. Whether or not they apply may depend on the arbitration agreement. Does the law prohibit any types of disputes from being resolved via arbitration? Very few matters are not arbitrable in South Africa, provided the parties agree to the arbitration. Status matters such as matters relating to legal standing or capacity, matrimonial matters and matters incidental to these are not arbitrable section 2, Arbitration Act 42 of This section simply codifies the public policy grounds that are already recognised by common law, and therefore it is not possible to resolve these disputes through private arbitration. Matters incidental to a matrimonial cause include disputes relating to interests of children and proprietary rights of spouses. Criminal matters are also not arbitrable because the Constitution requires that these be resolved in the ordinary courts. Similarly, claims under the Promotion of Administrative of Justice Act that is, administrative law reviews can only be heard in the High Court. Does the law of limitation apply to arbitration proceedings? It is accepted although not expressly provided in the Arbitration Act 42 of that an arbitrator must decide disputes strictly according to the law, including in practice the law of limitation. Limitation periods are set out under the Prescription Act 68 of For money claims, a claim must be brought within three years from the date on which the debt became due or cause of action arose. Which arbitration organisations are commonly used to resolve large commercial disputes? The arbitration body, or forum, used to resolve large commercial disputes is generally determined by the terms of the arbitration agreement. In addition to supervised methods of arbitration either agreed in a commercial contract or independently, many arbitrations including large commercial disputes in South Africa are conducted in an ad hoc, informal manner. This is by arrangement between the parties and an arbitrator that is either willing to accept the appointment, or is appointed by an agreed body. Independent arbitration bodies There are several independent arbitration bodies in South Africa, including the Association of Arbitrators, and the Arbitration Foundation of South Africa. The Association of Arbitrators. The Association of Arbitrators was formed in to: Promote arbitration as a means of resolving disputes. Provide a body of competent and experienced arbitrators and alternative dispute resolution ADR specialists that can be appointed. Assist in appointing arbitrators and ADR specialists. Assist arbitrators and ADR specialists in the efficient discharge of their duties. Make arbitration and ADR more effective. The Association currently has about 2, members from a wide range of professions. However, it is frequently seen as a body that specialises in professional rather than purely legal or commercial disputes for example, building, engineering and construction disputes. The Association maintains, outside its membership, a loosely organised network of contacts with experts in arbitration, ADR and related fields and works with various other arbitration institutes, not only in Africa, but all over the world for example, the London Court of International Arbitration. The Arbitration Foundation of Southern Africa. It is therefore more commercially orientated than the Association. Administering disputes either for mediation or arbitration. Appointing arbitrators from a panel of AFSA arbitrators and mediators, which are generally practising attorneys, advocates or other professionals according to the AFSA rules. AFSA also has an appeal panel. AFSA has two sets of rules: Commercial rules for arbitrating complex or substantial matters. Simpler rules for arbitrating smaller, less intricate disputes. AFSA also works with neighbouring Southern African states with the aim of using a common arbitration system. See box, Main arbitration organisations. What remedies are available where one party denies that the tribunal has jurisdiction to determine the dispute s? Does your jurisdiction recognise the concept of kompetenz-kompetenz? Does the tribunal or the local court determine issues of jurisdiction? Before starting proceedings, the tribunal must be satisfied that there is an arbitrable dispute covered by a valid arbitration agreement and that the tribunal has been validly appointed. In addition, the tribunal must be satisfied that pre-conditions and any time limits in the arbitration agreement for starting arbitration proceedings have been complied with or waived. The tribunal must consider any objection to its jurisdiction

raised by one of the parties. Where the tribunal rules on its own jurisdiction, the court can review the decision immediately. What are the requirements for an arbitration agreement to be enforceable? Separate arbitration agreement If an arbitration agreement is in writing or oral or tacit, in the case of a common law arbitration agreement it can either be a separate arbitration agreement or a clause in a main contract such as a commercial contract. Unilateral or optional clauses 9. Are unilateral or optional clauses, where one party has the right to choose arbitration, enforceable? Since the basis for arbitration in South African law is one of consensus or agreement, the courts will give effect to what the parties have agreed. Accordingly, if the parties agree that any dispute can be arbitrated at the choice of one or other party, such an agreement will be enforceable. There can be no unilateral arbitration that is, one in which a party compels another to arbitrate a dispute where there is no agreement to arbitrate in the first place. In what circumstances can a third party that did not sign the contract incorporating the arbitral clause in question be compelled to arbitrate disputes relating to the contract in question? There are no circumstances in which a third party that did not sign the contract be compelled to arbitrate disputes relating to the contract. The ability to proceed to arbitration is based on an agreement between two or more parties and the general principles applicable to contracts are applied. In what circumstances is a third party that did not sign the contract incorporating the arbitral clause in question entitled to compel a party that did sign the contract to arbitrate disputes relating to the contract? There are no circumstances in which a third party that did not sign the contract can compel a party that did sign the contract to arbitrate disputes. The general principles of contract apply, and a person who does not sign a contract has no privity of contract and cannot compel another party to arbitrate see Question

Auto Suggestions are available once you type at least 3 letters. Use up arrow (for mozilla firefox browser alt+up arrow) and down arrow (for mozilla firefox browser alt+down arrow) to review and enter to select.

Acts of Parliament are cited as follows: Criminal Procedure Act, no 25 of The name of the Act which is usually the subject matter of the Act precedes the number of the Act and the year it was published. The administration of justice is independent from the other organs of state. It has inherent jurisdiction over all legal matters in Namibia. It adjudicates, according to art 79 of the Constitution, appeals emanating from the High Court, including appeals which involve the interpretation, implementation and upholding of the Constitution and the fundamental rights and freedoms guaranteed therein. It also hears matters referred to it by the Attorney General or authorised by an Act of Parliament. As Namibia has a system of stare decisis, all decisions emanating from the Supreme Court are binding on all other courts unless they are reversed by an Act of Parliament or the Supreme Court itself. Decisions of the Supreme are all recorded in the Namibian Law reports and some in South African law reports. The Namibian law reports is a series of reports published according to years. They record the decisions of the Supreme Court and High Court. For every ten year period there is an index to the reports, which has both a thematic and alphabetical listing. Each report has an introductory index guiding readers. In addition each case is summarised on the first page of the case record. The flynote or headnote as the summary is called indicates the theme and key words of the case. Generally cases are summarised using the following key points: Criminal matters are cited as State versus the accused. This is commonly abbreviated as S v The Accused. Other publications that record cases of the Supreme Court are the criminal justice compilation, known as the Republic of Namibia Criminal Law Precedents and the Butterworths Constitutional Law Reports, which is a South African publication but includes noteworthy Namibian decisions from the Supreme Court. Decisions of Namibian courts which have human rights content are also reported in the African Human Rights Law Review. These publications are available from the website of the Centre for Human Rights at the University of Pretoria. The High Court can act both as a court of appeal and a court of first instance over civil and criminal prosecutions and in cases concerning the interpretation, implementation and preservation of the Constitution. The High Court is presided over by the Judge-President. A full sitting of the High Court consists of the Judge-President and 6 other judges. The jurisdiction of the High Court with regard to appeals shall be determined by Acts of Parliament. Decisions of the High Court, which bind lower courts, are recorded both in Namibian and South African law reports. The decisions are recorded and summarised in the same way as Supreme Court decisions. An example of a High Court citation would read as follows: The Lower Courts There are several lower courts in Namibia. They are the magistrate courts, the labour courts and the customary courts. The lower courts are creatures of statute, in other words, they are created by Acts of Parliament and are bound by the four corners of legislation. Magistrate courts deal with the most cases in the entire legal system. They are manned by magistrates who are employed by the Ministry of Justice. The decisions of magistrate courts are written down; however, they are not recorded in any law report. The decisions have to be written in case either party to the proceedings feel prejudiced by the outcome and wants to go on appeal or review to the High Court. They are created by the Magistrates Court Act no. The magistrates are governed by the Magistrates Act 3 of The Labour courts have gained prominence over the past few years. They too are manned by magistrates. They deal with labour disputes, mainly arising from alleged contraventions of the Labour Act No. The courts are still applying the Act, although the no. There is already an amendment to the act, the Labour Bill of Decisions of the labour courts are recorded. They are recorded in the Namibian Labour Court Reports. Community courts, which apply customary law, were created by the Community Courts Act 10 of Prior to this date these courts operated without recognition as part of legal system. These developments are extension of art 66 of the Constitution which holds that both the customary law and the common law of Namibia in force on the date of Independence shall remain valid to the extent to which such customary or common law does not conflict with this Constitution or any other statutory law. The courts have no reporting system, as the laws that they apply are very dynamic and may not be applied

the same in any number of cases heard before them. The regional courts are the least used lower courts. They are actually in a phase of extinction. Decisions prior to independence Art of the Constitution is dedicated to laws in force at the date of independence. The Namibian administration at independence was guarding against creating a lacuna in the law when it decided that all laws which were in force immediately before the date of Independence shall remain in force until repealed or amended by Act of Parliament or until they are declared unconstitutional by a competent Court. This applied to both legislation and case law prior to independence. Case law prior to independence captured Roman-Dutch common law. This is the written source of this form of law. Common law in Namibia is not written and is only as recorded in case law and writing of jurists such as Hugo de Groot. Researching the Namibian legal system prior to independence overlaps with researching the South African legal system before. The only way to tell which cases have been overturned is by reference to the case in which it is overturned, unless it directly affects by amendment or repeal a particular piece of legislation. In addition, laws which were not repealed at independence by the Constitution, as outlined in the constitutional schedule, are repealed in Government Gazettes. In the absence of an official method of legal citation for both cases and legislation, citations are according to the preference of the publisher.

Chapter 4 : Researching Namibian Law and the Namibian Legal System - GlobaLex

Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.

Section of the Constitution addresses the various circumstances in which international agreements or treaties are applicable in South Africa. This provision provides that as a general rule, a n international treaty that has been ratified and approved by the National Parliament, becomes locally enforceable by the courts as part of domestic law when it is transformed or incorporated into local law. Both transformation and incorporation are legislative measures, meaning that they involve the adoption of local legislation to give effect to the treaty in question. In the event of incorporation, the local legislation simply adopts the treaty in toto as being applicable as domestic law. Interestingly, section 4 specifies that a self-executing provision of an international agreement is applicable without transformation or incorporation, if it is approved by parliament and consistent with the Constitution. Some scholars have argued that the vagueness of what is meant by a self-executing provision may provoke debate. Customary international law refers to rules that are developed as the result of consistent widespread state practice, which practice is viewed as legally binding by those states. In addition, section of the Constitution obliges every court when interpreting legislation to prefer any reasonable interpretation of the legislation which is consistent with international law over any interpretation which is not. Importantly, Section 39 1 b of the Constitution obliges courts in South Africa to consider international law when interpreting the Bill of Rights of the Constitution. The Constitutional Court has held that reference to international law in this provision includes both binding as well as non-binding international law. Sources of Legislation Print form: Acts of Parliament are initially published in the official Government Gazette. The official version of an Act of Parliament is published in the Government Gazette. The Gazette is usually the only printed source of regulations - subordinate legislation issued by government ministers in terms of enabling statutes. Draft bills are occasionally published in the Gazette, but bills are issued as a separate series and obtainable from the Government Printer. The Gazette also includes proclamations, government notices, commencement dates of statutes, price regulation measures and industrial regulations. This is a loose-leaf publication of consolidated acts, kept by up-to-date by annual supplements. The index volume vol. The chronological index also lists repealed acts, with details of the repealing legislation. Although the full text of regulations is not reproduced in this work, there is a section containing references to regulations passed in terms of the acts. These references include the regulation gazette or the government notice number, the Government Gazette number and date of publication. Juta publishes an annual edition of its seven-volume set of consolidated statutes. Juta classifies the acts into 18 groups and subgroups according to their subject matter. The full text of principal acts is given, but amending acts appear in abbreviated form, because the amendments will have been incorporated into the relevant principal acts. Substantive provisions in amending acts are reproduced in full. The index volume provides alphabetical and chronological tables of statutes and an alphabetical index to groups and subgroups. Butterworths Regional Legislation Service: Loose-leaf service containing the acts and regulations of the nine provincial governments. Butterworths publishes selected acts as part of its Butterworths Legislation Service. This service is aimed at legal practitioners, and the acts selected tend to be those which are used in everyday legal practice and which change frequently e. This loose-leaf service is updated quarterly, and is thus reasonably up-to-date. Unlike the main Butterworths set of statutes, these works reproduce the full text of the regulations and rules made in terms of the acts. There are several other loose-leaf services to specific acts, often published under the name of an individual editor. These works include both the principal acts and the regulations made in terms of these acts, and regulations are thus more easily accessible. There is usually editorial commentary discussing the statutory material. Blackman - Commentary on the Companies Act. Erasmus - Superior Court Practice. Harms - Civil Procedure in the Superior Courts. Meskin - Henochsberg on the Companies Act. Meskin - Insolvency law and its Operation in Winding-up. Reyburn - Competition Law of South Africa. Juta and Butterworths products: The electronic versions of the South

African Statutes products are substantially similar to the print versions, including all indexes, and may thus be used in the same way. However, the electronic versions also allow a range of keyword searching options. The statutes collections published in electronic form include the full text of many regulations. These electronic libraries typically include relevant statutes, case law and commentaries, and some include journal articles, full text electronic textbooks, and regulations.

Free Sites Available on the Internet:

Policy and Law Online News: This is a privately-run site, providing a wealth of government information. The site includes the full text of legislation: Bills since , and Acts since , and also provides the full text of: The official website of the Parliament of South Africa provides full text of acts passed from onwards, and the full text of bills since The site also provides background information on Members of Parliament and the legislative process; selected Parliamentary papers, Parliamentary Committee reports and Hansard reports. The official website of the South African Government provides full text of acts passed since , and the full text of bills since The full text of many regulations is also reproduced here. The site provides the full text of many speeches and policy and information documents, including white papers and green papers. It also provides useful background information on various aspects of the South African governmental structure and process, as well as links to the various Government Departments and the Provincial Governments. The Parliamentary Monitoring Group site tracks the activities of Parliament and the Parliamentary Select Committees, and follows the progress of discussion papers, white papers, and bills i. There are links to the various provincial governments from the South African Government site. Many of the provincial governments publish provincial legislation and official policy documents online. The World Legal Information Institute provides links to some of the sites mentioned above, as well links to a few other South African acts. Search under South Africa in the Worldlii catalogue.

Case Law Sources

5. From onwards, decisions of the Appellate Division were reported in addition to the separate reports for the four Provincial Divisions. These cases have been collected and published in a single volume: Juta, , covering the period - These include Judgements on Copyright first issued in ; Insolvency Judgements: This four-volume work contains tables of all cases reported in the series since ; a table of Case Annotations for both local and foreign cases referred to in South African judgments outlining the nature and extent of the consideration given to the prior judgement ; a table of legislation considered by the courts and a two-volume subject index. Juta has also published various indexes to its law reports for each division of the High Court for the period There are separate indexes for other series of law reports including the Butterworths Index to Constitutional Cases since , which indexes cases on constitutional matters reported in the Butterworths Constitutional Law Reports and the South African Law Reports. This cumulative index is updated annually. Another annually cumulated index, the Butterworths Labour Law Reports Index covers cases reported in this series since Translations of the South African Law Reports: South African judgments were historically reported in the language in which they were delivered. In the past, this was in either of the two official languages, English and Afrikaans. Both Juta and LexisNexis Butterworths produce electronic versions of the post law reports outlined above and the Appellate Division since South African cases are reported very selectively, but both Juta and LexisNexis provide access to cases that were considered for publication, but did not subsequently appear in the printed law reports.

Free Case Law Online: Links to judgments from other Courts can also be accessed from the Constitutional Court website. The World Legal Information Institute provides links to the sites listed above, as well links to a few other sites offering free access to reported and unreported South African cases. These judgments are removed from the Hot off the Bench site when they are incorporated into one of the subscription databases. A free Case Locator service is also available from the LexisNexis web page. The locator provides a sophisticated search engine enabling you to find out where a case has been published in any of the leading South African law reports series. The locator also shows whether judgments have received negative or positive treatment in subsequent cases. It is also possible to search for cases discussing a particular piece of legislation. Some university law schools provide very limited access to judgments from their local high court.

Treaties

South African treaties are not easy to find in full text form. The Department of International Relations and Co-operation provides some information about both bilateral and multilateral treaties signed by South Africa on its website. It does not provide the full text of the agreements, but does provide a summary of their main provisions and gives useful background and

policy information. The site is not comprehensive. A private site, the South African Cyber Treaty Series lists the multilateral treaties signed by South Africa and provides ratification information. Where possible, the site links to full text versions available on the Internet. The site does not cover bilateral agreements. This treaty series is based primarily on the United Nations Multilateral Treaties Deposited with the Secretary-General, and is arranged according to the categories found in the United Nations Treaty Series. It includes several additional topics for which the United Nations does not act as depository, such as intellectual property and civil aviation. This site has not been updated since November Volumes 1 - 17 were published under the title Cape Law Journal. A list of Southern African law journals currently in publication can be found here. This SABINET subscription database has a user-friendly search engine permitting searches by article title, author, keyword, and journal title.

Chapter 5 : Arbitration procedures and practice in South Africa: overview | Practical Law

This is the first major text on the topic of Southern African Law written for use in common law countries. The book identifies judgments in Southern African courts that are significant for their treatment of conflicts and tort issues and can serve as authorities or models in common law jurisdictions.

Chapter 6 : Family Law: Marriage and Types of Marriage | Meumann White Attorneys

Republic of South Africa, , finally brought customary law on a par with the common law of South Africa by affording it constitutional recognition, but subject to the Constitution and other legislation.

Chapter 7 : Common Law in Southern Africa : Peter B. Kutner :

In early November , the ITNJ received an application from the Unified Common Law Grand Jury of Southern Africa ('UZA'). UZA wanted the ITNJ to intervene in a.

Chapter 8 : UPDATE: Researching South African Law - GlobaLex

The Islamic legal system of Sharia (Islamic law) and Fiqh (Islamic jurisprudence) is the most widely used religious law, and one of the three most common legal systems in the world alongside common law and civil law.

Chapter 9 : Law of South Africa - Wikipedia

South African Police Services Common Law Offences Common law offences still applicable within the South African legal system are defined below.