

**NQF Level 5**

**Prescribed textbook: Madlingozi *et al* Introduction to Law and Legal Skills in South Africa 2<sup>nd</sup> ed (2022) OUP**

The overall aim of the module is to familiarise students with the structure of the legal system and legal framework within which entities operate. Students will be equipped with a general understanding of basic legal concepts relevant to their profession.

<b>Practical and work competencies</b>
<ul style="list-style-type: none"> <li>Investigate the structure of the South African courts and how court cases are conducted</li> <li>Interpret a statute in line with currently accepted rules of legal interpretation</li> <li>Attend a civil case and a criminal case at a High Court or a Magistrate's Court or watch a case being conducted online</li> <li>Undertake an online tour of the Constitutional Court: <a href="https://www.youtube.com/watch?v=bSH7ToW1NsM">https://www.youtube.com/watch?v=bSH7ToW1NsM</a></li> </ul>

<b>Syllabus topics</b>	<b>Syllabus detailed content</b>	<b>Textbook</b>
<b>Learning Outcome 1: Demonstrate a basic understanding of the concept of "law"</b>		
Legal rules	<ul style="list-style-type: none"> <li>What is law?</li> <li>Law and morality</li> <li>Law and justice</li> </ul>	Ch 1: The Law Para 1.1 – 1.3 <ul style="list-style-type: none"> <li>What is the law?</li> <li>Functions of law in society</li> <li>Law and other social norms</li> </ul>
<b>Learning Outcome 2: Identify the various sources of South African law</b>		
Sources of SA law	<ul style="list-style-type: none"> <li>Judicial precedent</li> <li>Legislation</li> <li>Customary law</li> <li>International and foreign law</li> <li>The impact of the Constitution of the Republic of South Africa, 1996</li> </ul>	Ch 6 Sources of law and legal authority <ul style="list-style-type: none"> <li>Constitution of the Republic of South Africa, 1996</li> <li>Legislation               <ul style="list-style-type: none"> <li>National legislation &amp; Regulations</li> <li>Provincial legislator</li> <li>By-laws (municipalities/local government)</li> </ul> </li> <li>Judicial precedent</li> <li>International, foreign &amp; regional law</li> <li>Common law</li> <li>Custom</li> <li>Indigenous law (African law)               <ul style="list-style-type: none"> <li>Para 4.3 – 4.4: Indigenous law under the 1996 Constitution; Indigenous law and the right to equality from the perspective of race and gender</li> <li>Para 9.3 The rules of precedent</li> <li>Para 12.2.1: How to find primary sources of law (pp 380-381)</li> <li>Para 12.3 Fig. 12.2 (Secondary sources of law)</li> </ul> </li> </ul>

Syllabus topics	Syllabus detailed content	Textbook
<b>Learning Outcome 3: Demonstrate a basic understanding of how statutes should be interpreted</b>		
Interpretation of statutes	<ul style="list-style-type: none"> <li>The structure of a statute</li> <li>The literal approach</li> <li>The purposive approach</li> <li>Practical techniques to interpretation</li> </ul>	Ch 3: Sources of South African Law <ul style="list-style-type: none"> <li>Para 8.9 – 8.10               <ul style="list-style-type: none"> <li>Hierarchy and status of legislation (8.7)</li> <li>Statutory interpretation (8.9)</li> <li>Theories of interpretation (8.10)</li> <li>(Skills exercise 6.6 outlines the parts of an Act; this Act will not be assessed, it serves merely to indicate the parts and importance of an Act)</li> </ul> </li> </ul>
<b>Learning Outcome 4: Comprehend the importance of the Constitution of the Republic of South Africa, 1996 and human rights in the South African context</b>		
The Constitution and the Bill of Rights	The main provisions of the Constitution and the Bill of Rights	Ch 5: The Constitution: Structures of Governance Ch 6: The Constitution: Human Rights <ul style="list-style-type: none"> <li><b>Paras 2.5 – 2.8:</b> The process to adopt the “final” Constitution; Constitutional supremacy, substantive equality and the “politicised” rule of law; Transformative constitutionalism</li> <li><b>Ch 5: Part 2:</b> HRs &amp; SA BoR</li> </ul>
<b>Learning Outcome 5: Demonstrate a basic understanding of the classification of the law; the basic tenets of the law of civil procedure, criminal law and law of evidence</b>		
Classification of the law	Framework of the different branches of the law	Ch 6: Classification of the Law Ch 7: Private Law Ch 8: Law and the Business World Ch 9: Law of Civil Procedure Ch 10: Criminal Law Ch 11: Law of Criminal Procedure Ch 12: Law of Evidence Ch 7: Classification of the South African law <ul style="list-style-type: none"> <li>International law (7.2)</li> <li>National law (7.3)               <ul style="list-style-type: none"> <li>Constitutional Law</li> <li>Administrative law</li> <li>Criminal law                   <ul style="list-style-type: none"> <li>Substantive criminal law</li> <li>Criminal Procedural law</li> </ul> </li> <li>Private law                   <ul style="list-style-type: none"> <li>Substantive private law                       <ul style="list-style-type: none"> <li>Law of persons</li> <li>Family law</li> </ul> </li> </ul> </li> </ul> </li> </ul>

Commented [HCS1]: Covered in para 6.3.2; 8.7

Syllabus topics	Syllabus detailed content	Textbook
		<ul style="list-style-type: none"> <li>• Law of patrimony <ul style="list-style-type: none"> <li>○ Property law</li> <li>○ Law of obligations</li> </ul> </li> <li>• Personality law <ul style="list-style-type: none"> <li>▪ Law of civil procedure and civil evidence</li> </ul> </li> <li>○ Hybrid sub-disciplines <ul style="list-style-type: none"> <li>▪ Environmental law</li> <li>▪ Commercial law</li> <li>▪ Educational law</li> <li>▪ Information technology law</li> </ul> </li> </ul> <p>Para 10.3: Different types of proceedings Para 10.7: Appeal and review</p>
<b>Learning Outcome 6: Demonstrate a basic understanding of legal argument and logic and know what legal language entails</b>		
The language of law	<ul style="list-style-type: none"> <li>• Legal language</li> <li>• Clear and logical arguments</li> </ul>	<p>Ch 16: Language and the Law Ch 17: Legal Argument and Logic Ch 19: Legal Research Ch 13: Legal writing</p> <ul style="list-style-type: none"> <li>○ Para 14.7: Reasoning and argumentation in solving legal problems</li> <li>○ Para 14.8: Forms of reasoning to building a logical legal argument</li> </ul>
<b>Learning Outcome 7: Understand the role of the courts and alternative mechanisms of dispute resolution</b>		
Dispute resolution	<ul style="list-style-type: none"> <li>• South African court structure</li> <li>• Forms of dispute resolution</li> <li>• Appropriate dispute resolution</li> <li>• The legal profession</li> </ul>	<p>Ch 13: Courts and Appropriate Dispute Resolution Ch 14: The Legal Profession</p> <ul style="list-style-type: none"> <li>○ Para 9.1: Introduction: Independence and impartiality as the cornerstone of adjudication</li> <li>○ Para 9.2: The structure of the judiciary</li> <li>○ Para 9.4: Alternative dispute resolution</li> </ul> <p>Ch 11: Legal practitioners and other legal officials in the South African legal system</p>

**Additional readings and resources: for downloading or reading/viewing:**

Civics Academy SA "Why do we have a Constitution?" Available at: <https://youtu.be/ka3V2SqYD98>