

NQF Level 5

Prescribed textbook: **Madlingozi et al Introduction to Law and Legal Skills in South Africa 2 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.

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

Syllabus topics	Syllabus detailed content	Textbook
Learning Outcome 1: Demonstrate a basic understanding of the concept of "law"		
Legal rules	<ul style="list-style-type: none"> What is law? Law and morality Law and justice 	Ch 1: The Law Para 1.1 – 1.3 <ul style="list-style-type: none"> What is the law? Functions of law in society Law and other social norms
Learning Outcome 2: Identify the various sources of South African law		
Sources of SA law	<ul style="list-style-type: none"> Judicial precedent Legislation Customary law International and foreign law The impact of the Constitution of the Republic of South Africa, 1996 	Ch 6 Sources of law and legal authority <ul style="list-style-type: none"> Constitution of the Republic of South Africa, 1996 Legislation <ul style="list-style-type: none"> National legislation & Regulations Provincial legislator By-laws (municipalities/local government) Judicial precedent International, foreign & regional law Common law Custom Indigenous law (African law) Para 4.3 – 4.4

Syllabus topics	Syllabus detailed content	Textbook
		<ul style="list-style-type: none"> Indigenous law under the 1996 Constitution Indigenous law and the right to equality from the perspective of race and gender <p>Para 9.3</p> <ul style="list-style-type: none"> The rules of precedent <p>Para 12.2.1:</p> <ul style="list-style-type: none"> How to find primary sources of law (pp 380-381) <p>Para 12.3</p> <ul style="list-style-type: none"> Fig. 12.2 (Secondary sources of law)
Learning Outcome 3: Demonstrate a basic understanding of how statutes should be interpreted		
Interpretation of statutes	<ul style="list-style-type: none"> The structure of a statute The literal approach The purposive approach Practical techniques to interpretation 	<p>Ch 3: Sources of South African Law</p> <p>Para 8.9 – 8.10</p> <ul style="list-style-type: none"> Hierarchy and status of legislation (8.7) Statutory interpretation (8.9) Theories of interpretation (8.10) (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)
Learning Outcome 4: Comprehend the importance of the Constitution of the Republic of South Africa, 1996 and human rights in the South African context		
The Constitution and the Bill of Rights	The main provisions of the Constitution and the Bill of Rights	<p>Ch 5: The Constitution: Structures of Governance</p> <p>Ch 6: The Constitution: Human Rights</p> <p>Paras 2.5 – 2.8</p> <ul style="list-style-type: none"> The process to adopt the “final” Constitution Constitutional supremacy, substantive equality and the “politicised” rule of law Transformative constitutionalism <p>Ch 5: Part 2</p> <ul style="list-style-type: none"> HRs & SA BoR
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		
Classification of the law	Framework of the different branches of	<p>Ch 6: Classification of the Law</p> <p>Ch 7: Private Law</p>

Commented [HCS1]: Covered in para 6.3.2; 8.7

Syllabus topics	Syllabus detailed content	Textbook
	the 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"> • International law (7.2) • National law (7.3) <ul style="list-style-type: none"> ○ Constitutional Law ○ Administrative law ○ Criminal law <ul style="list-style-type: none"> ▪ Substantive criminal law ▪ Criminal Procedural law ○ Private law <ul style="list-style-type: none"> ▪ Substantive private law <ul style="list-style-type: none"> • Law of persons • Family law • Law of patrimony <ul style="list-style-type: none"> ○ Property law ○ Law of obligations • Personality law <ul style="list-style-type: none"> ▪ Law of civil procedure and civil evidence ○ Hybrid sub-disciplines <ul style="list-style-type: none"> ▪ Environmental law ▪ Commercial law ▪ Educational law ▪ Information technology law Para 10.3: Different types of proceedings Para 10.7: Appeal and review
Learning Outcome 6: Demonstrate a basic understanding of legal argument and logic and know what legal language entails		
The language of law	<ul style="list-style-type: none"> • Legal language • Clear and logical arguments 	Ch 16: Language and the Law Ch 17: Legal Argument and Logic Ch 19: Legal Research

Syllabus topics	Syllabus detailed content	Textbook
		Ch 13: Legal writing Para 14.7: Reasoning and argumentation in solving legal problems Para 14.8: Forms of reasoning to building a logical legal argument
Learning Outcome 7: Understand the role of the courts and alternative mechanisms of dispute resolution		
Dispute resolution	<ul style="list-style-type: none"> • South African court structure 	Ch 13: Courts and Appropriate Dispute Resolution Ch 14: The Legal Profession
	<ul style="list-style-type: none"> • Forms of dispute resolution 	Para 9.1: Introduction: Independence and im[partiality as the cornerstone of adjudication
	<ul style="list-style-type: none"> • Appropriate dispute resolution 	Para 9.2: <ul style="list-style-type: none"> • The structure of the judiciary
	<ul style="list-style-type: none"> • The legal profession 	Para 9.4: <ul style="list-style-type: none"> • Alternative dispute resolution Ch 11: Legal practitioners and other legal officials in the South African legal system

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

Civics Academy SA "Why do we have a Constitution?" Available at: <https://youtu.be/ka3V2SgYD98>