

Chapter 2

1. List the three main branches of law.

- ❖ International law
- ❖ Foreign law
- ❖ South African national law

2. Distinguish between international law and foreign law

International law

- ❖ The legal system created when countries enter into agreements with each other (regulates the relationships between states)
- ❖ Made up of treaties and international conventions that are agreed upon by numerous countries, e.g.: peace treaty, trade agreement
- ❖ Section 239(1) of the Constitution asserts that courts must take international law into account when they interpret the BCR
- ❖ Administered/ controlled by the United Nations (UN)
- ❖ International Court of Justice in The Hague (hears cases) takes action against UN member countries that violates international law

Foreign law

- ❖ Refers to law of other countries
- ❖ Section 239(1) asserts courts and other forums may take foreign law into account.
- ❖ SA court may refer to foreign decisions when it is appropriate to do so

3. With regard to section 239 of the Constitution, distinguish between international law and foreign law.

Answered in Question 2

4. List the three main branches South African national law is divided into.

- ❖ Public law
- ❖ Private law
- ❖ Procedural law

5. Provide an explanation of public law.

The law that governs the relationship between the government and its citizens (vertical relationship)

6. List the branches of law public law is divided into.

- ❖ constitutional law
- ❖ administrative law
- ❖ criminal law
- ❖ labour law
- ❖ law of taxation

7. What does constitutional law deal with?

- ❖ It deals with the Constitution
- ❖ provides for

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