

# CLA1501

## 1. The South African Legal System

Law is a social science.

South African Law is not codified; recorded in one comprehensive piece of legislation.

**Origin:**

- Indigenous legal systems applied at the southernmost tip of Africa before 1652.
- Jan van Riebeeck arrives in Cape Town in 1652 and the adoption of Roman-Dutch law as a legal system to the Cape.

### 1.1 A SHORT HISTORY OF THE LAW

- Unlike most European continental legal systems, SA law is not codified:
  - It is drawn from various authoritative sources
  - Such as statutes (legislation) and decided cases
  - Occasionally also Roman and Roman-Dutch law.

**Roman Law**

- 735BC to AD658
- The Law of the Twelve Tables of 449BC were the cornerstone of the future development of Roman Law
- Attempts to codify the law led to the *Corpus Iuris Civilis* (body or civil law) which is still the primary authoritative source of Roman Law.

**Roman-Dutch Law**

- Roman Law was revised in the Netherlands during the 15<sup>th</sup> and 16<sup>th</sup> centuries and became mixed with the existing Dutch customary law.
- Some great Roman-Dutch Jurists:
  - Hugo de Groot "Father of Roman-Dutch Law"
  - Johannes Voet
  - Dionysius Godefridus van der Keessel
  - Johannes van der Linden

**English Law**

- After 1814, English Law began to seep into the existing Roman-Dutch system:
  - A jury was introduced
  - New legislation e.g. criminal often drew on English law
  - A number of statutes in existence today are squarely based on English legislation e.g. Bills of Exchange Act.

### 1.2 SOURCES OF LAW IN SOUTH AFRICA

- Some are authoritative: courts are bound by authoritative sources
- Others have merely persuasive authority: serves to convince a court to apply or interpret a rule in a particular way.

*Corpus Iuris Civilis*: codification of Roman law that is a primary authoritative source on which South African courts draw when reverting to Roman Law to solve a legal problem.

# Cla1501 Commercial Law Ia Study Notes For Unisa

**EW Minium**



**Cla1501 Commercial Law Ia Study Notes For Unisa:**

## Unveiling the Energy of Verbal Art: An Psychological Sojourn through **Cla1501 Commercial Law Ia Study Notes For Unisa**

In a world inundated with monitors and the cacophony of instant communication, the profound power and mental resonance of verbal artistry often disappear into obscurity, eclipsed by the constant barrage of noise and distractions. Yet, situated within the lyrical pages of **Cla1501 Commercial Law Ia Study Notes For Unisa**, a fascinating function of fictional elegance that impulses with fresh feelings, lies an unique journey waiting to be embarked upon. Written by a virtuoso wordsmith, this enchanting opus guides viewers on a psychological odyssey, gently exposing the latent potential and profound impact stuck within the intricate internet of language. Within the heart-wrenching expanse with this evocative analysis, we shall embark upon an introspective exploration of the book is key themes, dissect its charming publishing style, and immerse ourselves in the indelible effect it leaves upon the depths of readers souls.

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### **Table of Contents Cla1501 Commercial Law Ia Study Notes For Unisa**

1. Understanding the eBook Cla1501 Commercial Law Ia Study Notes For Unisa
  - The Rise of Digital Reading Cla1501 Commercial Law Ia Study Notes For Unisa
  - Advantages of eBooks Over Traditional Books
2. Identifying Cla1501 Commercial Law Ia Study Notes For Unisa
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Cla1501 Commercial Law Ia Study Notes For Unisa
  - User-Friendly Interface

4. Exploring eBook Recommendations from Cla1501 Commercial Law Ia Study Notes For Unisa
  - Personalized Recommendations
  - Cla1501 Commercial Law Ia Study Notes For Unisa User Reviews and Ratings
  - Cla1501 Commercial Law Ia Study Notes For Unisa and Bestseller Lists
5. Accessing Cla1501 Commercial Law Ia Study Notes For Unisa Free and Paid eBooks
  - Cla1501 Commercial Law Ia Study Notes For Unisa Public Domain eBooks
  - Cla1501 Commercial Law Ia Study Notes For Unisa eBook Subscription Services
  - Cla1501 Commercial Law Ia Study Notes For Unisa Budget-Friendly Options
6. Navigating Cla1501 Commercial Law Ia Study Notes For Unisa eBook Formats
  - ePub, PDF, MOBI, and More
  - Cla1501 Commercial Law Ia Study Notes For Unisa Compatibility with Devices
  - Cla1501 Commercial Law Ia Study Notes For Unisa Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Cla1501 Commercial Law Ia Study Notes For Unisa
  - Highlighting and Note-Taking Cla1501 Commercial Law Ia Study Notes For Unisa
  - Interactive Elements Cla1501 Commercial Law Ia Study Notes For Unisa
8. Staying Engaged with Cla1501 Commercial Law Ia Study Notes For Unisa
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Cla1501 Commercial Law Ia Study Notes For Unisa
9. Balancing eBooks and Physical Books Cla1501 Commercial Law Ia Study Notes For Unisa
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Cla1501 Commercial Law Ia Study Notes For Unisa
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Cla1501 Commercial Law Ia Study Notes For Unisa
  - Setting Reading Goals Cla1501 Commercial Law Ia Study Notes For Unisa
  - Carving Out Dedicated Reading Time

12. Sourcing Reliable Information of Cla1501 Commercial Law Ia Study Notes For Unisa
  - Fact-Checking eBook Content of Cla1501 Commercial Law Ia Study Notes For Unisa
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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