



“Investing in Africa’s future”

SCHOOL OF LAW

NLLB102: AFRICAN LEGAL JUSTICE SYSTEMS

END OF FIRST SEMESTER EXAMINATIONS

DECEMBER 2022

LECTURER: DR. E. RUTSATE

DURATION: 3 HOURS

INSTRUCTIONS

QUESTION 1 from **Section A** is **COMPULSORY** for all candidates

Answer any **THREE** questions from **Section B**

Marks allocated to each question are indicated in brackets at the end of the question.

Write legibly.

SECTION A

Question 1

Due to their colonial history, African countries have a wide array of legal systems.

- (a) List down and briefly describe at least five basic types of legal systems found in Africa.
[15 marks]
- (b) What are the key differences between civil law and common law legal systems?
[10 marks]
- (c) Under which legal system are you likely to encounter these four terminologies namely, ‘precedent’; ‘stare decisis’; obiter dictum (dicta) and the ‘ratio decidendi’? Explain the meaning of each of the four terminologies?
[15 marks]
- (d) Select two legal systems that are based on religion and briefly discuss the key tenets of the religious legal system, doctrine and/or religious book on which it is founded.
[10 marks]

Total [50 marks]

SECTION B

Question 2

Making reference to different views from courts in various jurisdictions under two or three different legal systems briefly outline the requisites of a valid custom. [25 marks]

Question 3

According to H.L.A. Hart, five factors have to coexist to create a legal system. Discuss these factors and their significance. [25 marks]

Question 4

Choose one country on the African continent and discuss the historical background and development of its legal system. (**Note:** Extra points will be earned if you discuss an African country other than Zimbabwe) [25 marks]

Question 5

While presiding over a case in his court in Muzarabani, Chief Nheweyembwa proudly referred to the Interpretation Section 2 of the **Customary Law and Local Courts Act [Chapter 7:05]** stating, “*customary law*” means the customary law of the people of Zimbabwe, or of any section or community of such people, before the 10th June, 1891, as modified and developed since that date;” He thereafter declared, “I can therefore proudly tell you that our customary law is codified!”

Defining what codification entails, discuss the veracity of the Chief’s statement vis-à-vis the Zimbabwean Legal System and make reference to at least one African country that has codified its customary law. [25 marks]

END OF EXAMINATION