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**UNIVERSITY**<sup>®</sup>  
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**SCHOOL OF LAW**

**NLLB100: THE ZIMBABWEAN LEGAL SYSTEM**

**END OF SEMESTER EXAMINATIONS**

**NOVEMBER 2025**

**LECTURER: MS C. HAMADZIRIPI**

**DURATION: 3 HOURS**

**INSTRUCTIONS**

1. Answer **THREE** questions
2. **Question 1 is compulsory.**
3. You have **3 hours** to complete.

### Question 1

a) Belarin is a country whose legal system is akin to that of Zimbabwe. At the swearing in of its new Chief Justice, commenting on the direction he would want to see certain aspects of commercial law take, Chief Justice Akakesu remarked:

'In my view, it is not only a question of selecting the ideas which takes precedence over the other in the eyes of the law. What is important is the bringing together of those concepts of the law, English and or Roman Dutch, because when put together, they bring about a result which is just and fair. A complete abandonment of all English rules on this subject may in some cases result in injustice. The collision between these different sources of law does not dictate the unqualified acceptance of one to the total exclusion of the other.'

The editor of a local newspaper invites you to write an opinion in view of the Chief Justice's remarks. In particular, he wants you to enlighten his readers if the remarks ring true to Belarin, as its Constitution obliges the consideration of the law applying at the Cape of Good Hope as at 10 June 1891. **[25 Marks]**

b) i) Critique legislation as a source of law in Zimbabwe. **[10 Marks]**

ii) Making reference to relevant case law and provisions of the Constitution of Zimbabwe, critique international human right treaties as a source of law in Zimbabwe. **[15 Marks]**

### Question 2

Evaluate the role of the following players in the development of the European *ius commune* from the 12<sup>th</sup> – 15<sup>th</sup> century:-

- a) Glossators;
- b) Commentators;
- c) Ultramontane; and
- d) Roman Catholic Church.

**[25 marks]**

### **Question 3**

*'The historical development of Roman law through four distinct political eras laid the foundation for modern legal systems across the world.'*

Critically examine this statement, discussing how the political changes from the four political eras have influenced legal development and continue to impact contemporary Zimbabwean law. **[25 marks]**

### **Question 4**

"The reception of Roman law in the Netherlands was not a single event but a complex process involving infiltration, intellectual rediscovery, early reception, and reception proper."

Critically examine this statement and evaluate how each phase of reception contributed to the development of Roman-Dutch law in the Netherlands. **[25 marks]**