

Criminal Law in South Africa

Criminal Law in South Africa is based on common law, case law, and legislation. In the definition of Van der Walt et al, a crime is “conduct which common or statute law prohibits and expressly or impliedly subjects to punishment remissible by the state alone and which the offender cannot avoid by his own act once he has been convicted.” The standard of evidence in South Africa is Proof Beyond Reasonable Doubt. This topic includes articles, analyses and insights relating to both national and international criminal law. Articles examine relevant court cases, judgments and regulatory developments in financial crimes, violent crimes, property crimes and other statutory offenses.

Criminal Law in South Africa provides an innovative and accessible introduction to the principles and application of criminal law in South Africa. The text addresses the general principles of criminal law, as well as the elements of specific offences. It introduces new statutory offences, such as the criminal provisions of the Companies Act, 71 of 2008 and the Prevention of Organised Crime Act, 121 of 1998, and discusses important new areas of criminal justice, such as international and transnational crime.

The text balances rigorous theoretical content with a clear, practical approach. The emphasis is on the application of legal principles for solving legal problems. This approach is supported by a useful annexure which demonstrates a methodology for solving problems in criminal law.

Designed to support understanding, Criminal Law in South Africa succinctly explains criminal law principles, with numerous case illustrations. A wealth of discussion points is provided as additional guidance where moot and contentious criminal law issues are analysed. The overall objective is to state criminal law principles and concepts in a clear and accessible manner, without sacrificing academic rigour, and at the same time stimulating debate and independent reasoning.

Additional resource materials are provided for lecturers prescribing this book in the form of PowerPoint slides and a Question bank.

This text is suited as core course material for students who are studying criminal law as a module of the LLB degree. It also serves as a useful reference for candidate attorneys, pupil advocates, legal practitioners, magistrates and judges.

CLEVER LEGAL FOOTWORK PUTS END TO WARLORD’S FREEDOM

The spectacular jury trial of Liberian warlord, Jungle Jabbah, for US immigration fraud and his unprecedented 30-year sentence have been welcomed by ordinary Liberians. So far, however, the government in Monrovia has made no official response. Hassan Bility,...

Provided By **Juta**

STATE SETS UP TRUST TO COMPENSATE VICTIM AFTER FOUR YEAR BATTLE

Towards the end of last year, the Pretoria High Court granted judgment in favour of the plaintiff, Advocate JC van Eeden, who is the curator ad litem to 62 year old Prince Mokwalakwala (Prince). This welcome ruling came after four years of vigorous litigation by the...

Provided By **Gildenhuis Malatji Incorporated**

by **Jean-Ray Pearton**

DEMISE OF KENYA'S MANDATORY DEATH PENALTY

A recent landmark decision by Kenya's highest court, setting aside the mandatory death sentence for murder, is having an impact in that country. It has...

by **Juta**

THEFT AS A GROUND FOR DISMISSAL AND THE CONSEQUENCES THAT FOLLOW

Introduction This article examines the appropriateness of the sanction of dismissal of an employee for theft in the workplace, the effect of dismissal of an employee...

by **Charlotte Clarke, Musa Mathebula and Pierre Van Der Merwe**

BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION FINALISES ITS FIRST CASE

On 23 January 2018, the Commission issued final findings against SAB & T BEE Services (Pty) Ltd ("SAB&T") and Ms Shameema Ismail ("Ismail"). This is...

by **Pieter Steyn**

DRUNK DRIVING AND THE LAW

Many of us have been in the situation where we have ended up at a get-together with friends, loved ones or work colleagues and have...

by **Alicia Koch**

JUSTICE DEPARTMENT TO MOBILISE COMMUNITIES TO ACT AGAINST WOMEN AND CHILDREN ABUSE DURING 16 DAYS OF ACTIVISM

The Department of Justice and Constitutional Development urges community members to participate in a series of activities during the 16 Days of Activism for No...

by **Department of Justice**

SHOULD MINORS BE IDENTIFIED AFTER TURNING 18?

The Northern Gauteng High Court recently ruled that all child offenders, victims and witnesses may be identified once they have turned 18. This was a...

by **Joan van Niekerk**

FINTECH IS ON THE FAST TRACK BUT SO IS CYBERCRIME

Bitcoin is now worth more than gold, and internet banking and mobile money usage globally has rocketed by 34% in the past six years. One...

by **Kirsten Kern** and **Matthew Purchase**

BUDGET VOTE FOR THE DEPARTMENT OF JUSTICE & CONSTITUTIONAL DEVELOPMENT

The task of building a stronger and inclusive democracy requires that we relentlessly continue to pursue the accessibility of the justice system. Our transition to...

by **Department of Justice**

DO YOUR COMMERCIAL DRONE INSURANCE POLICIES HAVE ADEQUATE COVER?

Incidents involving drones can be minor, slightly humorous, or have extremely dire consequences. From a kiss-cam drone cutting off a piece of a person's nose...

by **Berne Burger** and **Lisa Swaine**

SOUTH AFRICA'S ICC WITHDRAWAL NOTICE DECLARED INVALID

On Wednesday, 22 February 2017, the High Court in Pretoria handed down its judgment in the litigation challenging the procedural aspects of South Africa's decision...

by **Sarah McGibbon**

BEWARE OF FRAUDULENT COURT ORDERS

Reliance on fake court orders is becoming more prevalent across Africa, including in South Africa, with fraudsters seeking to execute orders that have not been...

by **ENSafrica**

SOUTH AFRICAN AUTHORITIES PROSECUTE OVER ILLEGAL FISHING

A few months ago, South Africa's oceans were the scene of what can only be described as two high action pursuits by South African authorities...

by **Berning Robertson**

A GLITCH IN THE MATRIX

South Africans are defrauded in excess of ZAR2.2 billion each year through online scams and cyber related crimes, according to the South African Banking Risk...

by **Kremania Pillay** and **Nicolene Padayachee**

THE EMPLOYEE MISCONDUCT AND INVESTIGATION PROCESS

During an investigation, it is necessary to consider whether an employee has committed misconduct. In terms of South African law, this requires consideration of whether...

by **Randall Van Voore**

FORCED MARRIAGE THROUGH UKUTHWALA IS NOW A CRIMINAL OFFENCE

The act of a man abducting a girl or young woman for the purposes of conducting a forced marriage was yesterday declared to be a...

PROTECT WOMEN FROM VIOLENCE THROUGH BETTER USE OF LAW

Last week was International Day for the Elimination of Violence against Women. One of the ways to raise awareness and combat this offence is to...

by **Lex Africa**



HAWKS ARREST A CHINESE NATIONAL FOR DEALING IN RHINO HORN

The Minister of Environmental Affairs, Dr Edna Molewa has commended the Directorate for Priority Crime Investigation (known as the Hawks) on the arrest at the...

by **Department of Environmental Affairs**

HOGAN LOVELLS RECEIVES THREE OUTSTANDING PRO BONO AWARDS

Hogan Lovells was recognized with three outstanding pro bono awards for its legal representation and extensive law and policy revision work with Pro Bono Partnership,...